

DOWN COUNTY ELECTION.

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RETURN to an Order of the Honourable The House of Commons,  
dated 21 June 1880;—*for*,

C O P Y

OF THE

SHORTHAND WRITER'S NOTES

OF THE

JUDGMENT AND EVIDENCE

ON

THE TRIAL

OF THE

DOWN COUNTY ELECTION  
PETITION.

*(Mr. Attorney General.)*

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*Ordered, by The House of Commons, to be Printed,  
2 July 1880.*

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## DOWN COUNTY ELECTION PETITION.

IN THE HIGH COURT OF JUSTICE, IN IRELAND, COMMON PLEAS  
DIVISION.

THE PARLIAMENTARY ELECTIONS ACT, 1868, and the PARLIAMENTARY  
AND CORRUPT PRACTICES ACT, 1879.

ELECTION for the County of *Down*, holden on the 7th day of April 1880.

THE PETITION of *Blakely McCartney*, of 14, Hamilton-place, Ballymacarrett,  
in the County of Down, Carter, whose name is subscribed.

1. YOUR PETITIONER is a person who had a right to vote and voted at the above election.

2. And your Petitioner states that the said election was holden on the Seventh day of April, in the year of Our Lord One thousand Eight hundred and Eighty, when Arthur William Hill, commonly known as Lord Arthur Hill, Charles Stewart Vane Tempest, commonly known as Viscount Castlereagh, and John Sharman Crawford, were candidates, and the returning officer has returned the said Lord Arthur Hill and Viscount Castlereagh as being duly elected.

3. And your Petitioner says that before and during the said election undue influence was used and intimidation practised by certain persons on behalf of the said Viscount Castlereagh upon or against persons having the right to vote at the said election, in order to induce or compel such persons to vote or refrain from voting at the said election.

4. And your Petitioner says that before and during the said election certain persons acting on behalf of the said Viscount Castlereagh, by various fraudulent devices and contrivances, impeded, prevented, or otherwise interfered with the free exercise of enfranchise by certain voters for the said county having the right to vote at the said election, and thereby compelled, induced, or prevailed upon some of such voters either to give or to refrain from giving their votes at the said election.

5. And your Petitioner further says that several persons being voters, in respect of whom undue influence was practised on behalf of the said Viscount Castlereagh as aforesaid, voted at the said election.

6. And your Petitioner says that several persons retained or employed for reward by or on behalf of the said Viscount Castlereagh for the purposes of the said election, as agents, clerks, messengers, and in other employments, voted at the said election.

7. And your Petitioner claims that there should, on a scrutiny, be struck off from the number of votes appearing to have been given to the said Viscount Castlereagh at the said election, one vote for every person who voted at the said election, and who shall be proved to have been unduly influenced or to have been retained or employed for reward as aforesaid.

8. And your Petitioner says that a greater number of valid and lawful votes were recorded at the said election for the said John Sharman Crawford than for the said Viscount Castlereagh.

Wherefore your Petitioner prays that it may be determined that the said Viscount Castlereagh was not duly elected or returned, and that the said John Sharman Crawford was duly elected at the said election, and ought to have been returned.

BLAKELY McCARTNEY.

THOMAS L'ESTRANGE & CHARLES H. BRETT,  
Agents for Petitioner,  
43, Dame-street, Dublin.

Filed 3rd May 1880.



## J U D G M E N T

Delivered by the Honourable Mr. Baron *Fitzgerald* and the Right Honourable Mr. Justice *Berry* on the TRIAL of the COUNTY DOWN ELECTION PETITION, at *Downpatrick*, on Tuesday, 20th June 1880.

BLAKELY McCARTNEY - - - - - Petitioner.

CHARLES STEWART VANE TEMPEST, VISCOUNT CASTLEREAGH - Respondent.

Mr. Baron *Fitzgerald*.] THE election for this county, to which the Petition now before us relates, was held on the 7th of April in this year. The candidates were Lord Hill, Lord Castlereagh, and Mr. Sharman Crawford. The number polled were, for Lord Hill, 5,877; for Lord Castlereagh, 5,589, and for Mr. Crawford, 5,579, leaving for Lord Castlereagh a majority of 20 over Mr. Crawford; Lord Hill's majority over Mr. Crawford being 298. The Sheriff returned Lord Hill and Lord Castlereagh duly elected.

The present Petition, which is proved to have been filed by a pauper who voted at the election, complains of the election and return of Lord Castlereagh only, and charges the practice of undue influence directly and by means of fraudulent device by persons acting on behalf of Lord Castlereagh. It alleges that several persons so unduly influenced voted on behalf of Lord Castlereagh. It further alleges that votes were given for Lord Castlereagh by persons retained and employed on his behalf for reward for the purposes of the election. It claims that there should, on a scrutiny, be struck off from the number of persons appearing to have voted for Lord Castlereagh, one vote for every person who voted at the election, and who shall be found to have been so unduly influenced, and so retained, or employed for reward as aforesaid. It alleges that a greater number of valid and lawful votes were given for Mr. Crawford than for Lord Castlereagh; and it prays that in may be found that Lord Castlereagh was not duly elected or returned, and that Mr. Crawford was duly elected and returned; it does not pray in the alternative that Lord Castlereagh's election may be declared void.

On the fact of it this would appear to be a Petition seeking a return only, and not claiming that there should be a new election. The prayer that the said Lord Castlereagh should be declared not duly elected, seems merely founded on the fact that it would appear on a scrutiny that he had not a majority of legal votes, and not on the exercise of the corrupt practice of undue influence on his behalf. I have not, however, been able to convince myself that under such a Petition it is not competent to us to declare the election void. Corrupt practice being charged, it would be our duty to report, whatever be the form of the Petition, whether corrupt practice had or had not been committed by or with the knowledge or consent of any candidate at the election. Where corrupt practice on behalf of the candidate is proved, the ordinary mode of negating his knowledge and consent is by reporting the corrupt practice through agents at the same time that the knowledge and consent of the candidate is negated. This form of report is owing to the 36th section of the 17 & 18 Vict. c. 102; but the effect under the same section would be to avoid the election. In another and more difficult shape the same objection in substance was taken to the admission of any evidence under the head of "undue influence," which could not result in the striking off of the votes of specified individuals. But the particulars here apprised the Respondent that under the charge of undue influence by means of device and contrivance, the Petitioner could not, from the nature of the case intended to be made,

furnish any description of the individuals influenced. I am disposed to think that the Respondent accepting these particulars, cannot object to the Petitioners going into a case of the nature indicated by such particulars.

Passing from these matters of form, I think it best to first consider the case with reference to the prayer in the sense *primâ facie* belonging to it; with reference that is to those matters which, if proved, would entitle the Petitioner to have votes declared void and struck off. The first charge of this nature is of undue influence in its directest form, a threat of harm or damage against a person in order to induce or compel such person to vote or refrain from voting. At the close of the proofs on both sides, it was conceded that there was but one such case of which the evidence deserved consideration. In substance the facts are these: An elector named Hugh Morrow, apparently a substantial farmer, was tenant from year to year to my Lord Londonderry, the father of Lord Castlereagh; one, George Allen, himself I believe also a tenant of the said Lord Londonderry, but holding no employment in his estate office, canvassed Morrow for Lord Arthur Hill and Lord Castlereagh. He asked Morrow for whom he would vote; Morrow's answer, according to himself, was somewhat singular in form: "Well, Mr. Allen, I never told you nor any other man whom I would vote for, whom I did vote for, or whom I would not vote for." This was, no doubt, somewhat perplexing to a canvasser, and perhaps there is nothing very surprising in Allen's reply, that "he would not be humbugged by any person." Morrow then said, "that he did not see what was the use of the ballot if he had to tell two or three of his neighbours whom he was going to vote for." I am not sure that Mr. Morrow's view of the matter is not, in theory, that most conformable with the spirit of the Ballot Act. Many, I believe, think so; but no doubt it might be found inconvenient in practice if acted on, and it certainly does not appear to have been satisfactory to the canvasser. He made, however, no answer, but after a while said that "he would put him down as doubtful," and added, as he was going away, that "he would give it in to head quarters," or let it be known to the "head or head quarters." The suggestion is that by these words was meant the estate office of the landlord, and that there was a threat of harm to Morrow. Allen swears that he meant "by head quarters" the committee, in whose name he was acting, and of which he was the chairman. He had, as I have said, no employment in the estate office, nor was he connected, so far as appears, with it in any way; and neither Morrow himself, nor two other persons who were present at the interview, could be persuaded to say that they took the suggested meaning; to use their own phrase "out of it." Morrow in reply told Allen "to do all the harm he could, and as little good as possible." It is gravely contended, for this is the whole case, that there was a threat of doing harm to Allen with his landlord, or some one else, in order to induce or compel him to vote or refrain from voting, and that there was an apprehension of such harm on Morrow's part. That there was some little vexation on both sides, does I think appear, and that the language of each shows some momentary irritation, but that there was any serious threat of harm, or any serious apprehension of harm, I cannot imagine. It is not wholly immaterial to observe that this is positively the only particular instance of the direct exercise of undue influence, having respect to the relation of landlord and tenant, of which there is any evidence whatever. The only other charge in the Petition under which it is sought to avoid specified votes is founded on the 11th section of the Representation of the People (Ireland) Act, 1868, and the 25th section of the Ballot Act, the former of which makes it a misdemeanour in any elector who has been retained, hired, or employed for all or any of the purposes of an election, for reward by or on behalf of any candidate at such election as agent, canvasser, clerk, messenger, or in any other like employment, to vote at such election; and the latter of which provides that in case such elector is proved on the trial of an election petition to have voted at such election, there shall be struck off from the number of votes appearing to have been given to the employing candidate, one vote for every person who voted at such election, and is proved to have been so retained or employed. I am very clearly of opinion that on the true construction of these Acts, the "retaining, hiring, or employing for reward" must be such as would give a cause of action. This is the plain and obvious meaning of the language, which in truth is almost the same as that in which a cause of action is stated in an action for services; and I must decline to give it a larger meaning

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on a statute which makes the giving of a vote after such hiring, retaining, or employing, a criminal offence. It is admitted that the Petitioner has succeeded in proving under this charge that three votes ought to be struck off from the number appearing to have been given for Lord Castlereagh, by reason of votes given at the election by three persons; that is to say, Green, Montgomery, and Morgan; this number of votes it is to be observed is struck off wholly irrespective of the question for whom in point of fact they voted, and which could only be known by inspection of the ballot papers, which inspection for the purpose of this class of cases the Legislature has rendered unnecessary. On the best consideration we have been able to give the case, we have also deemed it right under this charge to avoid five other votes corresponding to those of persons named Whiteside, Dubell, Gabby, Dunwoody, and Holmes, and for myself I can truly say that, in avoiding the votes of these persons, I feel that I have, after a careful examination, gone the extremest length in giving effect to the implied contract for reward arising from service on request, and have done so in the face of evidence of repeated public announcements by the employers that the services rendered should be voluntary. I have given effect to that I say in every case in which knowledge of such public announcement was not clearly brought home to the employed person, however probable his knowledge might have been. The effect of this is that eight votes in all ought to be struck off from Lord Castlereagh's majority, which still leaves him a majority.

In declining to avoid under this head of charge any more of the large number of cases in respect of which evidence was offered, it may be proper to say a word or two of one class which includes most of them. In a number of cases persons were employed by the agents of Lord Castlereagh at the election for this county in the year 1878, particularly as canvassers. According to the evidence of these persons nothing was said to them at the time of such employment one way or another in relation to payment; according to the evidence of Lord Castlereagh's agents, though there was no express stipulation, there was a clear understanding that the services were to be voluntary, however many of those employed voted at the election, and this notwithstanding that some months after the election they were paid for their services. In the case of the present election steps were taken preliminary to appointing canvassers, to make publicly known in the meetings of the committees which appointed them, that no payment would be made, and that such persons as required payment would not be employed. We have declined to avoid the votes of any persons so employed, to whom knowledge of such announcements were clearly brought home. The contention of the Petitioners is that many, the majority of these persons, were the same persons who had been similarly employed in 1878; that they took their employments in the expectation of being dealt with as they had been in 1878, and that the public announcement was a mere form which might create impediment in the way of an action for reward, but that the plain understanding between the employers and employed must have been that the employed should have compensation when it was safe to give it. I can conceive that there may be a perfect understanding between a candidate and a voter that though there should be no legal right of action for reward for services rendered by the elector for the purposes of the election, still the elector may rely on the gratitude and honour of the candidate for what is sometimes called a gratification; but I cannot conceive an understanding of this kind taking place, except with the view and intention of enabling the voter to vote at the election by reason of his having no legal claim for reward. Understandings of this kind are worse than folly, for they would be mere purposeless folly in that view. The moment that is established there is plainly established an indirect offer of money or other valuable consideration in order to induce the elector to vote, and the mischief is not without its proper remedy, but bribery is charged in no form whatever in the present Petition. I may mention that in one case, that of a person named, I think, McGee, we have declined to avoid the vote on the ground that the services were not rendered in an employment under the statute. So far, then, as charges under which the Petitioner would be entitled to avoid particular votes, he has succeeded in reducing the majority of Lord Castlereagh by eight votes. But before I pass to the only remaining charge in the Petition, I should consider the votes presumably given for Mr. Crawford, which the Respondent seeks in the recriminatory particulars exhibited by him to avoid. There are three charges of bribery: the cases of Thomas McGiverigan, Thomas Deery, and Thomas McBride. All are cases of money paid to the voters themselves for or

in the name of travelling expenses. Conveyances in counties may be legitimately provided by candidates for bringing voters to the poll, but the money must not be paid to the voter himself. Supposing, however, the money to be *bona fide* paid to the voter himself for travelling expenses, we think that the payment, though illegal, is not bribery; it may be made bribery, if made the condition of a promise to vote for the candidate on the voter's part. In two of the cases, those of McGiverigan and Deery, we are clear that the payments were *bona fide*, and we think there was no legal evidence of a conditional promise. In the case of McBride, though a promise is proved to have been made by some persons, of payment of his travelling expenses on condition of his voting for Mr. Crawford, it does not appear who the persons were who made the promise; they are not even named. The promise is, therefore, out of the question. The difficulty is as to the *bona fides* of the payment as for travelling expenses; his return fare, first class (and he was only a railway porter), from Belfast to the place of polling would be 4s. 2d.; he was paid 10s. But he did travel first class, and did not take a return ticket; the price, however, of a single ticket for going or returning did not appear, and though, of course, I cannot but think that it would be under 10s. altogether, yet I am disposed in all these cases of travelling expenses, where the sums are not large, unless there be something clearly to show it colourable, to hold the party seeking to avoid to vote to strict proof. We, therefore, decline to interfere in any of these alleged cases of bribery.

There are three cases of personation: the case of Thomas Morgan, of John McGiverigan, and Samuel Carr. In each of these three cases we think that the votes must be struck off as given by parties whose names were not on the register, and as in one of the cases thereat Thomas McGiverigan tendered his vote which was not counted, the effect, supposing the three void votes, as is likely, to have been given for Mr. Crawford, and the tendered vote to have been for Lord Castlereagh, there would not only be three votes struck off from Mr. Crawford, but one added for Lord Castlereagh. We have carefully considered the cases of Thomas Morgan, John McGiverigan, and Samuel Carr, who actually voted with the view of seeing whether these persons should be reported as guilty of the felony of personation. I will not take up time in stating the grounds on which we decline to do so; I have them written out, but will not waste time by stating them. It is sufficient to say that I have carefully considered all of them; in Morgan's case I must add that a sort of admission was made on both sides; on the side of the Petitioner that the vote must be struck off, and on the side of the Respondent that there was no felony. This probably led to a less careful investigation and inquiry at the time the evidence was given, and we deem it right in this, which is, apparently, at least the worst of the cases, to give the benefit of any doubt due to what was possibly, in some respect, a default, and a large one.

Another vote, that of a man named Kema Rie, must be avoided, on the ground that he was, admittedly, an alien. The vote of a person named Ledley was rejected on the ground of some mistake in a letter on the registry; this vote ought to have been received; and lastly, the vote of a man named Henderson, and who was blind, ought to have been set aside as a vote for Mr. Crawford, and added as a vote for Lord Castlereagh.

We are of opinion that the charges of counselling personation against certain agents of Mr. Crawford failed for want of sufficient evidence of knowledge in them that the parties alleged to have been counselled were not registered voters, even though we should assume the crime of personation to have been actually committed by those parties.

We think the Respondent's claim to avoid votes on the ground that they were given by paid agents, fails for want of sufficient legal evidence. Some of these cases are open to very great suspicion, and for myself I cannot but express regret that impunity, if impunity there be, is partly owing to the negligent keeping of the expense accounts by Mr. Crawford's agent. Assuming all the votes avoided to have been given for Mr. Crawford, and the votes tendered to have been for Lord Castlereagh, the result would be struck off from Mr. Crawford, and three added for Lord Castlereagh, leaving the result of the election much as we found it. How these parties voted could not, of course, be ascertained in the case of the recriminatory charges, or most of them, without inspecting the ballot papers. We ought not, however, to open the ballot papers without necessity, and as the fact is that if all the votes avoided on both sides

sides were assumed to have been given for Mr. Crawford, there would still be a majority for Lord Castlereagh, there is no necessity for the inspection of the ballot papers. We are of opinion that the Petition fails so far as it seeks the return.

There remains one charge in the Petition on which it is sought to avoid the election, as to which I have, I am sorry to say, the misfortune to differ from my brother Barry. As I have already said, the only corrupt practice alleged in this Petition is the corrupt practice of "undue influence;" it is not charged to have been committed by the successful candidate personally. In administering, however, the jurisdiction which we have under the Parliamentary Elections Act of 1868, and the Act of 1879 amending and continuing it, we are to remember that corrupt practices include not only bribery, treating, and undue influence (to which may be added, since the Ballot Act, personation), as defined by Act of Parliament, but also as recognised by the common law of Parliament. The corrupt practice of "undue influence" is defined by the 5th Section of the Corrupt Practices Prevention Act of 1854. It consists in the threatening or using force or restraint; in the threatening or inflicting any injury, harm, or loss, or in any other way practising intimidation upon or against any person in order to induce or compel *such* person to vote or refrain from voting. In all these cases, as I apprehend, the force, the harm, or other matter calculated to intimidate, is supposed to be directly presented to the person or the mind of the voter. And the commission of the offence is in respect of some person or persons ascertained and supposed to be the immediate object or objects of the threat, use, or practice mentioned. But the statute includes also the case of impeding, preventing, or otherwise interfering with the free exercise of the franchise of *any* voter by abduction, duress, or any fraudulent device or contrivance. Here, too, the offence is an offence in respect of some person or persons supposed to be ascertained, and to be the immediate object of the abduction, duress, or of the device or contrivance through which the free exercise of the franchise is interfered with. But in this class of cases, so far, at all events, as the case of device and contrivance is concerned, the impediment or matter which interferes with the free exercise of the franchise, is not the thing directly applied to the person or mind of the party affected, what it so applies to is the instrument or machinery colorably used. The main contention of the Petitioners, so far as the charge of undue influence is relied on by them as having been proved, is a charge, under this class, an interference with the free exercise of the franchise by means of device and contrivance. But the nature of the evidence by which they sustain the case prevents them, as I think they correctly state in their particulars, from being able to specify or ascertain the individuals affected by it. The result is that the offence alleged is not the offence as defined by the statute, but it is still open to consider whether it be not a corrupt practice recognised by the common law of Parliament as sufficient to avoid the election for any corrupt practice by agents. I see no reason to doubt that there may be such a case of undue influence of the class in which the instrumentality of device and contrivance is used, as there undoubtedly may be in the case of undue influence by direct intimidation, though not addressed to particular ascertained individuals, and I apprehend the question will be the same in these cases of direct intimidation, that is to say, whether the interference has been to such an extent that the Court is unable to say that the election in question was a free one.

The substance of the case, as it appears to me on the evidence, is this: a gentleman named Finnegan had devised some scheme through which he had satisfied himself, and was willing to satisfy others, that the secrecy enjoyed by the Ballot Act could be violated with great probability of impunity, and this is the lowest meaning I can put upon the expression, that it could be easily done. The feasibility of his scheme was questioned, and his motives in publicly asserting that he had devised such a scheme were arraigned. Under these circumstances he, being then the conducting agent for the pending election for Down, on behalf of Lord Arthur Hill and Lord Castlereagh, invited eight gentlemen of various political opinions and exhibited his scheme in practice before them; this was on the 23rd of last March. On the morning of the next day, the 24th of March, there appeared in the "Belfast News Letter" an article, purporting to be an editorial one, on which I think it is possible to put but one meaning, viz., that Mr. Finnegan had established to the satisfaction

of that meeting, that the secrecy of the ballot could be easily violated, of which the lowest possible meaning I can accept is, that it could be violated with very great probability of impunity. In a few hours after the publication of this article, and on the same day, Mr. Finnegan, as the election agent of Lord Arthur Hill and Lord Castlereagh, ordered 10,000 copies of the paper, of which 5,000, at least, were to be distributed amongst the electors of Down; and he, or his agents, subsequently ordered, I think, 3,000 copies of another paper for similar distribution, in which the "Belfast News Letter" article was inserted as an advertisement. I have no doubt on the evidence that the contents of that article were placed before a very great majority of the electors of the county of Down. The unquestionable intent of that article, and of thus propagating it, was to convince the readers that the secrecy of the Ballot Act could be prevented with, at least, very great probability of impunity. I think one of the reasonable consequences of such belief would, or might, be to create alarm in the minds of persons who believed it, or some of them. I do not meddle with the question of whether the immediate object before the mind of Mr. Finnegan was or was not the vindication of his own character: he has himself stated it to be so. I do not sit here to raise doubt as to men's veracity unnecessarily. But the act was done as agent of the Respondent, and it was done for the purposes of the election, and for the consequences of that act to be reasonably apprehended, whether actually or explicitly before his mind or not, he, and his employer through him, must be held responsible as if intended. I cannot, however, leave this portion of the case without adding that the most unfortunate part of this transaction is that the despatch and propagation, though not the ordering of the papers, was subsequent to a complaint by two of the persons present at the meeting of the 23rd, made to Mr. Finnegan himself, that the writer of the article had misconceived their assent, or the nature of it. Considering that the plain object of the article was to render credible the feasibility of the scheme by alleging the assent of all those present, I cannot account for this. Be this, however as it may, I must regard any alarm in the minds of electors which would be the reasonable result of crediting the article as being within the view and intent of its propagators for the purpose of the election. The extent of alarm which might under all the circumstances of this case be reasonably apprehended as the result, seems to me the real problem to be solved. I do not think that an expression used in some of the papers before us is too strong as calling it an electioneering manoeuvre to alarm ignorant voters; but this does not help much in solving the problem, though it is safest to say that there was a device or contrivance to create alarm in the minds, at least, of a class of voters. And the only question which remains for me to consider, is whether from the circumstances of the case I can fairly pronounce that such an amount of interference with the free exercise of the franchise may be here reasonably inferred as a result, so as to render me unable to say that the election was a free one. Of course I have no doubt that there must have been large numbers in the Down constituency to whom the representation made that the secrecy of the Ballot Act could be violated with impunity would seem as incredible as it does to myself, and to a much greater number, if the Petitioner is right in saying that the meaning was that the secrecy of the ballot could be violated without offending against the letter of the law. Again, there must have been a considerable number in whom the representation, even if credible or believed, would have created no alarm at all, because they had no intention of voting against their landlords, or had no fear of their landlords if they did. All these must, of course, be excluded from the number of those in whom the representation could be reasonably supposed to produce alarm; and I may observe in passing that the case before us is in respect of this last number most essentially distinguished from cases of general intimidation by the exhibition of actual force and violence, in which the effect upon all classes depends in no way on belief, but on the senses, and in which no room is left for indifference as to consequences. But what I do mean is that there may be fair ground for apprehending, even after such exclusions, that a sufficient number of credulous or doubtful persons remain who might be so affected as to make it doubtful whether the election was a fair one. It is under these conditions that I consider the question.

Now, I acknowledge that it seems to me that it is only by the ignorant electors that a representation that the Ballot Act, or any Act of Parliament, could be violated with a reasonable prospect of impunity would be believed, and by

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very ignorant electors, indeed, if the representation was that it could be violated without offending against it. The class with which I have to deal is, therefore, reduced to the ignorant, or the very ignorant, which you will; and whichever class you take, I have no doubt that in every constituency it is a large one. But then I must remember that the representation is made in the most public manner, and through the almost universal circulation amongst the voters, indifferently of the public newspapers; that controversy was provoked and continued for a fortnight before the election, and a circulation of adverse newspapers appears to have been necessitated. I can have no doubt that a representation, in itself incredible, can hardly keep its ground in such a controversy; and that making every allowance for widely-spread ignorance, I must on this fact take largely from the number of the ignorant, or very ignorant (which you will), who may be reasonably supposed to have even credited the representation. But, again, from the remaining number of the ignorant who may be supposed to believe, or to be in doubt of the truth of the representation, I must exclude all those who, from attachment to their landlords or ignorant adherence to party, would vote for the landlords at all events, and therefore cannot be reasonably considered as affected by any alarm at all: perhaps I am going too far in assuming that there were any such. I cannot believe that I am, and I cannot but think that even supposing there were no tenants, believing the representation, who felt no alarm because they would vote with their landlords, whether they believed it or not, there still must be made a very large reduction out of the ignorant believers, or doubters, when what is the real subject of alarm is considered. The mischief with which the Ballot Act intended to deal, so far as the relation of landlord and tenant is concerned, was not the landlord's knowledge of how his tenant voted, or intended to vote: the mischief with which it intended to deal was the undue exercise of the influence which arises from that relation. The taking away of the knowledge from the landlord by the Ballot Act was to prevent the possibility of the exercise of the abuse in any case, and not for the purpose of its use. But the reasonable object of alarm to the tenant is the abuse of the influence arising from the knowledge, and not the knowledge itself. The belief then in the tenant that he would, notwithstanding the Ballot Act, be in the same position as to the landlord's knowledge as he was before, could be no further a reasonable ground of alarm than had he believed or suspected that his landlord's position of influence would be abused. I am considering this question in a county in which there is certainly some evidence, and the Petitioner's counsel have gone out of the way to affirm that the relation of landlord and tenant has rarely been abused. I am considering it in a case in which there is no evidence of a single landlord unduly exerting such influence, in which there is no evidence of canvassers being instructed to present the apprehension to the minds of tenants, or having, in fact, done so; and in which case, even after the representation relied on it is proved, that one of the candidates, Lord Arthur Hill, in the presence of the Respondent, Lord Castlereagh, publicly asserted his own firm belief in the adequacy of the ballot to secure secrecy.

Though I have not expressly mentioned it, I have not forgotten the fact that a step was taken by the agents of the successful candidates not ill-calculated to increase any apprehension which the representation of the article in the "Belfast News Letter" might have excited. This was an unusual array in the character of personation agents at the booths, of the landlords and men of property in the county. If I were able to connect this in the slightest way with the representation that the ballot was not secret, but any act of the gentlemen so present, the matter would in my mind assume a serious aspect. Any charge against the landlords themselves in this respect has been disclaimed by the counsel of the Petitioner; and though I confess I find it difficult to entirely reconcile this disclaimer with the evidence offered in respect of Colonel Forde, which seemed hardly explicable in any other view, it is certain that if offered with that view the case signally failed. I can say that the only interference with the secrecy of the ballot, actually proved by any evidence at all, is the very disgraceful one proved as regards certain agents of Mr. Crawford. I cannot forbear from saying that however true it may be that gentlemen of large property undertook those duties with the view of saving expense to the candidates whom they supported, and giving them unpaid agents on whose character all might safely rely, I cannot help seeing that by this unprecedented assem-

blage at the polling-places they were (I have no doubt unconsciously) lending some aid to the device or contrivance which I have been considering; and even considered by itself, I entertain grave doubts whether this assemblage of landlords at the places where the actual polling of their tenants takes place is either prudent or proper. Upon the whole, however, endeavouring to determine what result in extent must be reasonably apprehended from that article, making a fair deduction from the only class of voters with which I think it possible that a device of this kind could obtain credence, the residuum, I acknowledge, appears to me as a reasonable result, wholly inappreciable, considering the absence of any proof whatever of undue influence directly exercised by any landlord, and the absence of any influence exercised upon any elector, considering the large number of voters who actually voted out of a constituency of 13,000; and that as against the fact that the majority of Lord Castlereagh over Mr. Crawford was only 20, I am to set the fact that the main object of the coalescing candidates of procuring joint votes for themselves was defeated by the large majority for Lord Arthur Hill, I am bound to state my conviction that so far as there is any evidence before us the election was a free election.

There remains another charge of the same nature as the last, the posting of a placard on the day of polling at or near some of the polling places, and which represented Mr. Crawford to have retired from the contest by the advice of his medical adviser. I cannot treat this matter as lightly as it was treated by the counsel for the Respondent, and if it had been proved to have really resulted in the loss of a single vote I should have thought it a very grave matter indeed. That it was intended as a joke, I believe; that it might not unreasonably be understood otherwise, I doubt. It was actually printed at Belfast by message from Bangor on the morning of the polling, and it was afternoon, according to the evidence, before it was posted anywhere. I do not find evidence of its being posted in more than two stations, Bangor and Saintfield; at the latter, between two and three o'clock, it was sent to a third, but not posted, the conducting agent having declined to do so till he communicated with Mr. Finnigan, and on such communication received his directions to post it. There were many circumstances to show that people must have known that it came from the party supporting Lord Arthur Hill and Lord Castlereagh, and as coming from them the reference to a medical adviser certainly did suggest the jocular. In Saintfield it was soon discovered and the posting prevented; but one witness was produced who, after he had voted, for a few minutes considered it serious but corrected himself, and there is no evidence that anyone else believed it seriously, otherwise than jocularly. It is just one of those cases in which there may be some doubt whether the reasons for regarding it as serious or jocular predominate, and in such a case I could not decide against it upon a charge of impediment of the free exercise of the franchise without some express evidence of the alleged result.

On the whole, my opinion is that Lord Castlereagh was duly elected and returned. As my Brother Barry differs from me, there can be no determination on that head in this Court; but the statutable result of our difference is that Lord Castlereagh will be deemed duly elected and returned.

Having regard to the difference of opinion, my impression is that there should be no costs on either side.

Mr. Justice Barry.] The result of the judgment just pronounced by my Brother Baron Fitzgerald being to determine the election of Lord Castlereagh valid, it is, in fact, unnecessary, and perhaps immaterial, for me to express any opinion; but inasmuch as upon one point, and one point alone, I have the misfortune to differ from my learned Brother, I think it right, if it were only out of respect for him, to express the reasons for the conclusion at which I have arrived. I shall do so, having regard to the limited time at our disposal, as briefly as possible. I only regret that I was not able to put my views in writing, which would have enabled me to express them with more brevity and condensation. His Lordship has already intimated that the point upon which we differ is the effect to be attributed to the extensive circulation by agents of Lord Castlereagh of the articles respecting the secrecy of the ballot.

From the earliest period of our Parliamentary system it was regarded as a vital principle of that system that elections should be free. That principle was recognised



recognised and enforced from time to time by resolutions of the House of Commons, by Acts of Parliament, by decisions of Parliamentary Committees, and finally it was made the subject of legislation in the year 1854 by what is known as the Corrupt Practices Act, the 5th section of which provides, that "every person who shall directly or indirectly, by himself or by any other person on his behalf, make use of or threaten to make use of, any force, violence, or restraint, or inflict or threaten the infliction by himself or by or through any other person of any injury, damage, harm, or loss, or in any other manner practice intimidation upon or against any person, in order to induce or compel such person to vote or refrain from voting, or on account of such person having voted or refrained from voting at any election, or who shall by abduction, duress, or any fraudulent device or contrivance impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter, or shall thereby compel, induce, or prevail upon any voter either to give or to refrain from giving his vote at any election, shall be deemed to have committed the offence of undue influence." Now a consideration of the provisions of that section, and the condition of the law at that time, will render it obvious to any one that it did not afford complete protection; in the first place it provides a protection only by making those who exercise undue influence punishable as for a misdemeanour. While it is obvious that the same influence that could induce a voter to refrain from voting or to give his vote in a particular way would prevent his coming forward to disclose that he was unduly influenced. But that statute left entirely untouched influences which operate on the mind of a voter, and coerce him in the exercise of his franchise without any act being committed or being intended on the part of the person from whom the influence emanates. For example, a shopkeeper fears to incur the displeasure of profitable customers, a workman fears to incur the displeasure of his employer, a tenant fears to incur the displeasure of his landlord, and they will be influenced by these considerations, although neither the landlord, nor the employer, nor the customer either intends or threatens or does any act of injury whatever in consequence of the exercise of the franchise. Well, such being the state of things, in 1872, after a discussion of many many years, the Legislature enacted what is called the Ballot Act, that is an Act the express intention of which is to provide a system of secret voting. My Brother Baron Fitzgerald appears to think that the sole object of that Act was to be a sort of supplement to the Corrupt Practices Act, Section 5, and merely to afford additional protection against the undue influence contemplated by the Corrupt Practices Act. In my humble judgment, the object of the Ballot Act went much further, but whatever was the object which operated upon the minds of those who promoted or those who supported that Act, its direct result and effect is to promote a freedom of election that did not exist before by enabling a voter, under the protection of secrecy, to record his vote in any way he may think proper, independent of any influence, due or undue, active or passive, save the dictates of his own conscience and the promptings of his own free will. Such being the result of the Ballot Act, such being the condition of our electoral system, in 1874, Mr. Edward Finnigan was appointed the managing agent of the great Conservative Associations of Down and Antrim. He appears to be a gentleman of great intelligence; he is a gentleman who bears, I have no doubt justly, the highest possible personal character; and I will add, whatever my opinion may be of what occurred in this case, that he appeared to me during the whole of this investigation, which must have been in many respects a painful one to him, to have conducted himself with propriety and as a gentleman. Well, he appears in some elections that took place, I think, at Derry, and, I think, at Belfast, to have been present at most singular and startling violations of the arrangements for secrecy introduced by the Ballot Act. It is really startling to hear him describe what he says he saw at those elections. I should say that the operations, as he described them, would have been sufficient to avoid either of the two elections. But however that may be, in January 1880 he is about making preparations for the organisation of his party for the approaching General Election; when I say "approaching," I do not mean to say that in January 1880 he or anybody else anticipated that the general election would have occurred so soon, there was a great deal of discussion to and fro about it, some people saying that it would and some saying that it would not; but whether it was a year off or five weeks off no man can doubt that Mr. Finnigan was prudent and was perfectly justified in

taking the earliest precautions to put his system into proper working order. Accordingly he communicates with a gentleman of the highest respectability, Mr. McNeill, and he requests him, or his clerk, a Mr. Woods, to procure the attendance of two or three reliable and respectable men, I believe they were to be of the farming class, and as a matter of fact, they were to meet Mr. Finnigan either at Mr. McNeill's office or at his house; and accordingly that meeting took place in January 1880: the persons assembled consisted of Mr. McNeill, Mr. Woods, Mr. Finnigan, and two or three tenant farmers. One of them was produced before us, a man named Wright, and if any importance is to be attached to his evidence, we have to bear in mind that he was a person selected as a reliable and respectable man for the purpose of that most confidential interview. Wright tells us that at that meeting he heard Mr. Finnigan say, "The Ballot Act is a farce," and the use of those words is substantially admitted by Mr. Finnigan. Mr. Wright, to make use of Mr. Finnigan's own description, starts up; he appeared a man of intelligence, he is startled at the statement, and he asks for an explanation, and Mr. Finnigan (not to go in detail through all that was said and done) undertakes to give it him at the conclusion of the business then on hand. Mr. Finnigan then afterwards proceeds to explain to Mr. Wright this contrivance, or plan, or whatever it is to be called, which he exhibited before us, of invading the provisions of the Ballot Act. Mr. Finnigan does not tell this man, who, though intelligent, was of course unacquainted with the legal details of the Ballot Act, that the first step required for the carrying out of this device was that the presiding officer should be either criminally neglectful, or scandalously neglectful, of his plain duty, the plain duty laid down for him in plain words in the Act of Parliament; he does not tell him that it is simply a gross breach of duty on behalf of the officers counting to allow the numbers on the back of the ballot papers to be seen; he does not tell him that it was a breach of duty to allow the numbers on the counterfoil to be seen. All he says is, according to Mr. Finnigan's own version, and I have no reason to doubt it, that it is penal to disclose what one finds out in the machinery of the ballot, penal to disclose it; but he does not tell him that it is a criminal offence to attempt to discover many of those things which it was necessary for Mr. Finnigan's plan should be discovered. But what was it Mr. Finnigan said? "He said he would be able to send down to the landlords after the election how the tenants voted." Mr. Finnigan said he did not use those words, possibly in a conversation of this kind one would be rather more inclined to attach credit to the correctness of Wright's statement. I do not for a moment discredit Mr. Finnigan's veracity, but it is much more likely that Wright, who had his mind startled with what he heard, would recollect what Mr. Finnigan said more accurately than Mr. Finnigan himself. But Mr. Finnigan admits that he said what is equivalent to what Wright said, namely, that it was easy and possible to ascertain how each and every voter had voted. It appears to me to be the same thing. Well, then there is a second meeting held at Mr. McNeill's, and curiously enough, one of the persons (not named) who appears to have been present when Mr. Finnigan gave his demonstration at the first meeting, appears to have been present, and asked to have it repeated for him. On the 21st of February there is a meeting at Bush Mills, and Mr. Greig, who was examined very late in the case, has told us that upon that occasion Mr. Finnigan expressed himself to the same purport as before, namely, that after the election it would be easy for the landlords or for anybody to discover how each and every voter voted. All that Mr. Finnigan says is that he does not recollect having used the words, but Mr. Greig says he did hear the words used, he had no concern in the election, he was at the meeting by accident, and he swears positively that the words were used. Now on that day, the 21st of February, there appeared a letter in "The Northern Whig," signed "Inquirer." It is impossible to read that letter (and I do not propose doing so at length) without perceiving that what had taken place either at Bush Mills or at Mr. McNeill's had somehow or other got abroad, because it is plain that this letter was written by some person who either was present, or who had heard repeated what had occurred. He says they had a meeting at Mr. McNeill's and another at Bush Mills. at both of which Mr. Finnigan, of Belfast, was present, and spoke and "enjoined on the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election he would give

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Mr. McNeill a list showing how every tenant voted." Now, allowing for the perversion that takes place when things are related by one person to another, and allowing also for exaggeration, that would seem plainly to refer to what had been said by Mr. Finnigan at those meetings. Then this "Inquirer" proceeds to ask if such a thing be true. That letter was accompanied in the same newspaper by a leading article, which I will not read at length, in which it is said, the writer is quite sure that Mr. Finnigan could not be guilty of conduct of the kind, or of making such a statement, and that they published the letter merely to give that respectable gentleman an opportunity of denying it. Mr. Finnigan writes a letter in reply to that. Now much has been said, and a great deal of stress was laid upon the fact, that Mr. Finnigan in his letter passes by the charge that he had impressed upon the canvassers to make it known to the people that the ballot was not secret. Well, I confess I think that that charge has entirely failed. His letter is certainly open to the observation that he does not specifically notice the charge, but I think the charge itself fails, and the inference that we were asked to draw from his omitting to deny it in his letter, I think, falls to the ground, and is unsustainable; but, however, he writes, and now let us recollect what the assertions in the letter of "Inquirer" were (I speak of the assertions independently altogether of that statement about the canvassers); there was an assertion in the letter of "Inquirer" that Mr. Finnigan had a method by which the landlords could ascertain after the election how their tenants had voted. That is the substance of "Inquirer's" letter. Then Mr. Finnigan in his letter says, "I now crave space for a reply. Stripped of all verbiage, and the usual references to Tory iniquities, of which the country has recently heard so much and heeded so little, your correspondent's statement resolves itself into this, that I affirmed that the Ballot Act did not provide a complete protection to the voter, and that it was possible to ascertain how each voter had voted. Without the slightest hesitation I admit that your correspondent is quite correct, and that I did assert this; and I now go further by affirming that it is not only possible, but easy, to ascertain, if desirable, how each individual voter had recorded his vote." Then he alludes to the charge that he went about to various meetings intimidating the electors, and that he had promised to supply the landlords with a list. "This I emphatically deny. I have attended hundreds of meetings, and never referred to the subject. At the very meeting mentioned by 'Inquirer' I was twice pressed by a respectable farmer to explain to him if it was possible to find out how those about him who said one thing and did another voted. I did so to his intense satisfaction." Well, it seems to me to be impossible for any person to read that without understanding it to convey that he showed, not how a man in the booth could by a trick, and device, and violation of his oath and duty, ascertain how some individuals had voted, but that a man, an independent farmer, who had nothing to do with the election at all, could after the election was all over by this device ascertain how his neighbours had voted; well, he says, "You are aware that it is a weakness of inventors to exhibit their ingenuity to their friends. I admit the weakness." "Inventors," that is to say, he claims credit for the "invention;" an invention for what? An invention to enable any person to ascertain after the election is over how each and every voter had voted. Now, was that the result calculated to be produced on the minds of ignorant voters throughout the county Down, not only ignorant voters, but men, taking into consideration their class, of usual intelligence? It startled and perplexed Mr. Wright; he is not a Down man, but an Antrim man; so much was he startled by it that he went to his attorney to inquire could it be true. But what is the natural interpretation to be put upon the letter; I test it by myself; I confess that when I heard Mr. Murphy in opening the case for the Petitioner read that letter, I was led to believe that what would be insisted upon was that there was some mode, consistent with the machinery of the Ballot Act, by which its secrecy could be entirely avoided. I had to satisfy myself of the impossibility of it by providing myself with what I never saw before, a block of ballot papers, and going through the Act of Parliament step by step in order to see that it could not be done without criminality, fraud, and device, and gross negligence. Well, what more does he say? He says in that letter, putting, as it appears to me, the meaning of it beyond any question, that the "historic coach and four" could be driven through the Act of Parliament. What is the ordinary meaning to be attached to that? That the Act of Parlia-

ment has failed to do that which it was intended to do; not that you are to violate its provisions, but, as Mr. Jenkins expressed it, with great significance, that you could "evade the Ballot Act within the lines of the Ballot Act." Now I dwell upon that letter for this reason, although I think that the proof that that letter was circulated in slips has utterly failed; I dwell upon it for this reason, that the subsequent article upon which the case mainly hinges, the article published in "The Belfast News Letter," of the 24th March refers expressly to the statements of Mr. Finnigan; and the only statements of Mr. Finnigan before the public were the statements in that letter. Mr. Finnigan has explained to us on the table what the plan was, and I shall not go through the various stages of it; suffice it to say that it assumes that the presiding officer, both in the booth and in the counting chamber, is to be either criminally neglectful, or scandalously negligent in his duty, and that he is to violate the plain provisions of the Act of Parliament. It assumes that the booths and the counting rooms are to be beset by an organised gang of conspirators, prepared, instructed, suborned to violate their solemn declaration of secrecy, and to commit offences which under the Act of Parliament expose them to imprisonment and hard labour. It assumes necessarily, of course, for that class of instrument cannot be employed for nothing, that there must be somebody to employ them; and the plan assumes, therefore, that there are candidates or candidates' friends and supporters vile enough to have recourse to such expedients, and to pay and suborn such instruments to perform those dreadful services. There is not one word of all this in any of these communications; either in Mr. Finnigan's letter to the newspaper, or in "The Belfast News Letter." It is said, and I do not for a moment doubt truly said, that the original idea of this publication by Mr. Finnigan was the defence of his own character. As my Brother Fitzgerald has pointed out, that is really immaterial, because every man in the eye of the law is held responsible for the natural and inevitable consequences of his own act; but that being the object, I apprehend that he might with a stroke of the pen have vindicated himself from every charge by saying, I never said that the Ballot Act was not secret; what I said was, if unscrupulous persons wished to violate it they could do so. But the plan comes to this, as was well expressed by my Brother Fitzgerald in the progress of the case, that "the Act of Parliament can be violated by being violated." The proposition puts one in mind of the truistic philosophy of the shepherd in "As You Like It," who ascertained "that the property of rain is to wet, and fire to burn, that good pasture makes fat sheep, and that the great cause of the night is the lack of the sun." Well, the publication of these letters causes great excitement, "The Northern Whig," which is, I believe, the leading journal of the Liberal side, the side opposed to "The News Letter," and opposed to Mr. Finnigan in politics, takes it up; and as Mr. Finnigan said fairly and frankly, and in accordance with the gentlemanlike manner in which he gave his evidence here, they had a right to take it up; it was vital to their cause to remove such an impression from the minds of any of the electors that the ballot was not secret; the challenge is given to prove it. I presume that the various persons employed in the Liberal Association in Belfast set themselves down to consider this matter, to ascertain whether the ballot was secret or not. Mr. Finnigan admits that they were right in endeavouring to counteract his statement, but complains that the language used was too strong. Probably it was; I do not stop to consider it because it is a matter with which I have no concern. But we know that when an exciting controversy of this kind arises, language is sometimes used which perhaps goes beyond the occasion. But Mr. Finnigan does not reply to any of these challenges; he takes no notice; he lets his letter in answer to "Inquirer" do its work in silence. He goes to London, which may account for his silence; but an article appears on the 12th of March in "The Belfast News Letter" announcing that in a few days Mr. Finnigan will return, and will be in a position to substantiate his statements. When that word is used it is to be remembered that the only statements before the public were the statements in answer to the letter of "Inquirer." On the 23rd, in consequence of a respectable clergyman named Burnside, and Mr. Lilburn, the editor of "The Belfast News Letter," having expressed to Mr. Finnigan their idea that he ought to vindicate his character against the charges that he had been a trickster, and so on, he assembles the meeting that has been so often described, where gentlemen of various politics, some editors of Conservative newspapers, and others, editors of Liberal newspapers,

newspapers, and Mr. Lilburn, of "The Belfast News Letter," and Mr. Jenkins, and others, meet. Now the professed object of Mr. Finnigan was this: he told those assembled that he did not wish to engage in a newspaper controversy on this subject. He appears to have consulted a gentleman mentioned as the shrewdest man of the party; a gentleman whom we all know and respect, namely, Mr. Blakiston Houston, and Mr. Blakiston Houston advised him to have nothing to do with a newspaper controversy. This sagacious man saw that it was a dangerous thing for the conducting agent of the Conservative party to engage in a public discussion in the press asserting that the ballot was not secret; and accordingly, Mr. Finnigan tells those gentlemen whom he assembled, "I do not want to get into a controversy; what I want you to do is this, to listen to the statement I make, and the explanation I give, and see whether there is any foundation for the charge made against me." He goes through a performance before these gentlemen to show them how this thing could be done, and, according to Mr. Jenkins, he was professing to do nothing but that which he had a right to do, and that in that way he could evade the secrecy of the ballot; now Mr. Lilburn tells us that the experiment was not satisfactory to the majority of persons present; on the contrary, he says, that the majority of those present were of opinion that a very small per-centage of votes could be discovered; that was the evidence of Mr. Lilburn, and how do they express themselves; they express themselves as more or less satisfied that the thing might be done, possibly, as to some votes. But Mr. Jenkins says, that the experiment was not at all satisfactory to him. He says, "I knew nothing of the Act of Parliament, and I was unacquainted with the working of the ballot," and, he says, "you ought to submit this to some person, some lawyer, who is an expert in the matter, and ascertain from him what his view is, for really I am unable to form any definite opinion about it. Mr. Jenkins says that he said that, or words to that effect, before he went away, and I do not understand that that is controverted. In that condition of affairs, the persons present being only more or less satisfied, and the majority of them being of opinion that only a very small per-centage of voters could be discovered, and Mr. Jenkins expressing his opinion that they were not persons fitted to decide such a matter at all; on the 24th of March comes the article in question. "Mr. Finnigan has now returned from London, and it would have been well for the 'Whig' had he remained there. He returned to fill the position so well filled by him in 1878, and he took the earliest opportunity of fulfilling his promise to explain his ballot statement in detail." That is, the statement in answer to the letter of "Inquirer," that it was easy to ascertain after the election how each and every voter voted, without any mention of the illegality of the operation. On Saturday last, in the presence of eight gentlemen, all well known in Belfast, Mr. Finnigan conclusively established his position. At this meeting all the newspapers in Belfast, Conservative, Liberal, and Home Rule, were represented, either by their editors or managers, except the "Whig." There were also present two Liberal electors of county Down, and one of independent politics. We were amongst those present. Mr. Finnigan stated that he had requested the attendance of the gentlemen present for personal reasons; that his character had been assailed in the most wanton manner, and that he considered it was due to himself to explain his statement. He had, therefore, thought it best to invite some gentlemen diametrically opposed to him in politics, in order to prevent even a suspicion as to his good faith. He explained then why he did not ask the editor of the "Whig." "We are bound to state that Mr. Finnigan's demonstration was so clear and convincing that every gentleman present admitted that he had fully substantiated his statement." Now, is that a correct representation of what we know now occurred at that meeting; a meeting at which Mr. Lilburn has deposed that the majority of those present were of opinion that only a very small per-centage could be discovered. "We hold that the verdict of these eight gentlemen is a sufficient defence of Mr. Finnigan against the articles in the 'Whig,' and the personal attacks of its editor on the platform, which intended to injure him in his present position of conducting agent for the Conservative candidates for the county Down. We should add, that Mr. Finnigan pointed out, as he promised he would do, how the Ballot Act could be amended, so as to provide complete security to the voter. We never had for one moment any doubt as to Mr. Finnigan's ability to substantiate

any statement made by him. We were previously aware that the Ballot Act did not afford perfect security, and this opinion has been strengthened by the attacks of the 'Whig,' and the clear and convincing statement made in our presence by the much-abused secretary." Well, it seems to me that that article is capable of but one interpretation, that is to say, it was an assertion, broad and bold, that the Ballot Act is so unsecret, if I may use the expression, that the mode of voting of every voter could be ascertained after the election. Well, then, struck by this article, whether as a vindication of his own character, or whether it occurred to him that while vindicating his own character he might also make use of it as a political agency, Mr. Finnigan having read it, orders, at the expense of Lord Arthur Hill and Lord Castlereagh, 1,000 copies of that newspaper. But, undoubtedly, I should say, on the evidence, as my Brother Fitzgerald has said before, that those papers were dispatched for circulation before they were applied to the purpose of dissemination through Down and Antrim amongst the electors, Mr. Jenkins called upon Mr. Finnigan and complained of the article as being an erroneous representation, as being a misrepresentation of what had occurred, he challenged the accuracy of it in its vital particular; and, moreover, he said that Mr. Finnigan gave him to understand that the parties were entitled to inspect the official stamp on the back of the ballot paper. Mr. Finnigan does not recollect having said that; but it was attempted to be argued by the counsel for Mr. Finnigan that he had a right to look at the official stamp. Mr. Jenkins called for the Act of Parliament, and showed that there was no such right. No doubt he read the passage which I pointed out, that at the counting of the voting papers the officer must take care to prevent any person seeing the number on the back of the ballot paper. Having discovered, as he must admit he did, that the article in question gave an erroneous version of what had taken place in representing that Mr. Finnigan's demonstration had been to the unanimous satisfaction of all present, and that it was in fact ratified by the verdict of an independent jury. When he found that that was erroneous, what ought he to have done? He ought at once to have stopped the circulation of the newspaper; but he does not do so. It is plain that at the time of the meeting with Jenkins the paper had not been dispatched, because the manager of the newspaper told us that, in order to meet such a demand as 10,000 copies, it was necessary to have a special issue, and I suppose that would take some time. The manager said that the order came about 11 or 12 o'clock; but even supposing that they had been despatched, what occurs afterwards—the dissemination of those papers takes place up to the very day before the polling day, namely, the 7th of April. We have evidence that on the evening of the 6th of April there was a consignment of them which came too late for distribution to one district; but more than that, at the expense of the candidates, Lord Arthur Hill and Lord Castlereagh, that article is copied as an advertisement into, I think, the "Ulster Examiner," and is charged for in the election expenses, and an order is given for 3,400 copies, in addition to the 10,000 copies of the "Northern Whig." And more than that, I think there was the "Newtownards Chronicle," and some other paper, with the name of which I am not familiar, in which it was inserted as an advertisement; so that we may take it that in round numbers there were 9,000 or 10,000 copies of this paper circulated in Down alone; in fact, substantially, as my Brother Fitzgerald suggested, we must assume that it was put in the hands, in one shape or another, of almost every elector. Now what is the effect of that? It could have but one effect, in my opinion, and that is, to create, at all events, amongst a class of voters, call them, if you will, a very ignorant, or an ignorant class (and I would go further and say amongst men of considerable position and intelligence), a belief that the secrecy which the Ballot Act professed to confer upon them in the exercise of the franchise did not exist, and that the machinery of the Ballot Act was futile and unavailing; no other meaning could be attached to it. If that be the meaning of the article, if that be, as I think it was, its inevitable result, to excite that belief and so spread it largely, I, without going into the details or niceties of electoral law, would put it to any man of broad common sense, ought an election affected so extensively by a device of that kind be allowed to stand?

The law having conferred upon voters the right of voting in secret, with all the consequences of advantage or disadvantages incident to that secrecy, with the wisdom, or the reverse, of the Ballot Act, I have nothing to do, and I pro-

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nounce no opinion upon it; I am of opinion that any device calculated to mislead voters into the belief that the Act of Parliament is abortive, is unconstitutional and illegal, and is sufficient to avoid any election; and if, owing to the Ballot Act being so recently introduced, it were not possible to range this device as practised here under any of the well-known heads of electoral corruption by which an election is avoided, I would be prepared to make a precedent, as I have no doubt a Committee of the House of Commons would have if such a case had been brought before them, and hold that no election should be allowed to stand which was tainted by such a device. But it does range clearly under one of the well-known heads, those heads which are collected together under the name of undue influence by the Corrupt Practices Act.

It is not necessary for me to consider whether the circulation of these documents announcing the ballot not to be secret, was or was not intimidation, suffice it to say that it is not so charged in the Petition; it is not so charged in the particulars, and it has not been so argued at the Bar. Therefore, I pronounce no opinion upon that point. But the Petitioner presents it for our consideration as a contrivance interfering in a general way with the free exercise of the franchise, although it is neither proved nor alleged to have operated upon any particular specified individual. I am of opinion that it is such a contrivance, and as I understand in the able and interesting judgment of my learned Brother, he also is of opinion that it is a device calculated to excite alarm in the minds of ignorant voters. If it is, it seems to me to follow that it is an interference with the free exercise of the franchise. To say that to induce voters to believe that the ballot is not secret is not an interference with the free exercise of the franchise, is equivalent to saying that the ballot creates or confers no freedom of election that did not exist before. It was always, of course, the theory of our constitution that elections were free, but until the passing of the Ballot Act they were not practically free in many respects; and one of the objects of this Act was to confer upon the voter an independence and a freedom of action in the exercise of his franchise which he did not possess before. Who can doubt that this article had the effect of interfering with the franchise; who can doubt that there are in this constituency to be enumerated, not by scores but by hundreds, men who would exercise the franchise in one way if the voting was open, and another way if it were under the shelter of secrecy? It is impossible to prove this directly by affirmative proof. It was obviously impossible for the Petitioner here to produce persons to swear, Oh! I voted so and so, because I thought the ballot was not secret. I refrained from voting, because I thought the ballot was not secret, and I was induced to believe that it was not secret by these articles. They could not produce any such testimony, but we must draw upon our experience, we must draw upon our own common sense, upon our knowledge of human affairs, and upon our observation of what is going on around us in the world; and no one can doubt that there are in this vast constituency of 1,300 people, hundreds of men who would exercise their franchise differently according as the voting was to be secret or the reverse.

But then it is said that even assuming the idea that the ballot was not secret, would disturb the free exercise of the franchise, we are to consider whether in this particular case we have reasonable ground for supposing that it existed to such an extent as to render us unable to pronounce the election to have been a free one. I am not at all sure that we are called upon to embark upon any such inquiry. When a device of this kind, conceived, practised, and carried out on so gigantic a scale, is brought home, not to some person unconnected with the candidate, but is brought home to the conducting agent of the successful candidate, I doubt very much that we are called upon to inquire any more than into the existence of the device, but should pronounce that an election carried by such means, or affected by such means, or that may have been affected by such means, is not to be allowed to stand. But if we are to go into an inquiry as to the possible or probable extent of the operation, I think the rule that ought to be applied is that which was applied in the case of general intimidation by Baron Bramwell in the North Durham case. He says, "Where it is of such a general character that the result may have been affected, in my judgment it is no part of the duty of a judge to enter into a kind of scrutiny to see whether possibly, or probably even, or as a matter of conclusion, the evidence, if that intimidation had not existed, the result would

have been different." He says more to the same effect, but I will not stop to read it. Is there reasonable ground for believing here that this device had such an operation? In the first place the existence in the Statute Book of the Ballot Act in itself assumes that such a device would have an effect; but if we wanted evidence as to not only the intended, but the inevitable operation and effect of the dissemination of this newspaper we have it in the fact of the dissemination itself; Mr. Finnigan has told us truly that there is no person better acquainted with county Down than he is. He said, I think, that he was acquainted with every man in it personally, I suppose he means every elector; he knows the county thoroughly, and if he was not convinced of the effect that would be produced on the constituency by the dissemination of the newspapers, would he have incurred the fearful responsibility of sending them broadcast through the country, not in hundreds, but in thousands.

How can I say here that the result was not affected? True, 11,400 voters voted, but at the previous election 10,700 voted, so that it is not an extraordinary number. But 11,500 people voted; 1,500 did not vote, there is a majority of only 20; and in the face of all that has occurred in this case up to the very day before the polling, the studied, steady persevering circulation of this paper by the able man, Mr. Finnigan (he would not have done it if he did not believe it was effecting his purpose), in the face of all that I am to come to the conclusion that 20 voters in the whole 13,000 were not affected. It is to me a startling proposition, I confess. If 11 men who voted for Lord Castlereagh would have voted for Mr. Crawford, if they thought the ballot was secret, it would have turned the election. If 21 men remained away, and did not come up to vote for Mr. Crawford, who would have come up if they believed the ballot was secret, it would have turned the election. Lord Arthur Hill appears to have had a majority, no doubt produced by what are called "plumpers," of 300 over any other candidate. If some of these, instead of plumping for Lord Arthur Hill, had split with Mr. Crawford, it would have effected the election, and with this narrow majority of 20, in a constituency of 13,000, I am called upon to say that I am unable to say that the election was not free; in other words, that it was unaffected by this extraordinary dissemination of this misrepresenting article. I cannot do so. If I were called upon to express an opinion upon the affirmative proposition, which I do not think I am; if I were to say what is my absolute opinion of the effect of these articles upon that election, I would be of opinion that it effected more than the 20 votes. But it is not necessary for me to say that. It is enough for me to say that, having regard to the circulation of these articles, I do not think that this election was a free one. In that opinion I differ from my learned Brother; and when I say that I differ from him, I am sure those at the Bar who know me believe that I differ from him with the utmost hesitation and regret, and with a great distrust of my own opinion; but I think that my duty requires that I should explain the grounds, and not merely announce a simple dissent.

With reference to the other portions of the case, at this hour of the day I shall not go into any detail; suffice it to say, that *in omnibus*, upon every point, and upon every reason assigned, I agree with my learned Brother.

There is one observation that I would make with reference to one class of paid canvassers, I mean the class of persons who were said to have been paid after the election in 1878. I confess that I am not altogether satisfied that under the section of the Act it is necessary, in order to constitute a paid agent, that he should be a person in a position to maintain an action at law for the price of his services. I am inclined to think that he should be in that position, but I wish to guard myself from expressing a final opinion upon that; but I am clearly of opinion that in order to create that sort of "honourable understanding," as one of the witnesses called it, I am of opinion that there should be an intention upon the part of the employer that he would pay; and I am satisfied, upon the evidence of Mr. Finnigan and of the persons he employed, that there was a resolution come to that they would not fall into the unfortunate indiscretion of 1878; but I confess, as at present advised, and of course it is unnecessary to pronounce a definite opinion, that if there had been in this Petition and in the particulars a charge impugning that transaction of the payment of these men as an act of bribery with reference to the last election, it would be very difficult to resist the conclusion.

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With reference to the charge of intimidation, I endorse with pleasure what my Brother Fitzgerald has said, that there is not a shadow of foundation for even the remotest suspicion that any gentleman of this county was so forgetful of his own antecedents, and of the character of the gentlemen amongst whom he lives, and of the county in which he dwells, as to have practised anything like coercion, intimidation, or any unfair means upon any voters. I share in the disapproval which my Brother Fitzgerald has expressed, of having in the booths a number of persons under the pretext of being persuasion agents, but who are in reality brought there for the purpose of having such persons present in the booths, whether upon the one side or the other, and it is highly objectionable where the persons so introduced may be regarded as persons calculated to exercise an influence upon the voters coming up to record their votes.

With reference to the placard on the polling-day I concur with my learned Brother, in regarding it as a much more serious matter than it was treated at the Bar; but I am, on the whole, of opinion that it was a placard of a sufficiently innocuous character for me to pass it over, and not consider it a ground for avoiding the election.

These are all the matters which I think it necessary to observe upon, and I can only refer with great pleasure to one matter which has been alluded to by my Brother Fitzgerald; that is, that there was not a suggestion through the whole of this case that the landlords in this county treat their tenants unfairly in respect of electioneering matters. And with reference to a matter that was very often indeed referred to, that is, the management of the estates of the Marquess of Downshire and the Marquess of Londonderry, I would say, having considerable judicial experience in this county in land cases, that when I state it has been proved to me over and over again that the tenant right on those estates will sell for 40 *l.*, 50 *l.*, and 60 *l.* an acre, subject to a rent of about 2 *l.*, I will have said enough to show that the epithet which has been applied more than once throughout the progress of the case, namely, that the management of those estates is "beneficent," is well founded.

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## MINUTES OF EVIDENCE

TAKEN before the Honourable Mr. Baron *Fitzgerald*, and the Right Honourable Mr. Justice *Barry*, on the TRIAL of the ELECTION PETITION for the County of DOWNS, at the Court House, *Downpatrick*.

*First Day.—Thursday, 17th June 1880.*

BLAKELEY MACARTNEY - - - - - Petitioner.  
CHARLES STUART VANE TEMPEST, VISCOUNT CASTLEREAGH - Respondent.

Mr. *Murphy*, Q.C., Mr. *Porter*, Q.C., and Mr. *Shaw*, appeared as Counsel for the Petitioner.  
Mr. *Meadough*, Q.C., Mr. *Macroe*, Q.C., and Mr. *Kisby*, appeared as Counsel for the Respondent.  
Mr. *Murphy* was heard to address the Court and open the allegations of the Petition.

17 June  
1880.

[Adjourned to To-morrow, at Eleven o'clock]

*Second Day.—Friday, 18th June 1880.*

Mr. *Murphy*, Q.C., Mr. *Porter*, Q.C., and Mr. *Shaw*, appeared for the Petitioner.  
Messrs. *LeStrange* and *Brett* appeared as Agents.  
Mr. *Meadough*, Q.C., Mr. *Macroe*, Q.C., and Mr. *Kisby* appeared for the Respondent.  
Mr. *H. C. Manley* appeared as Agent.

18 June  
1880.

Mr. HUGH KELLY, sworn; Examined by Mr. *Porter*, Q.C.

1. YOU are the Sub-Sheriff of this County?—I am.
2. Were you so, in 1878, at the time of the Election of 1878?—I was.
3. You have been asked to produce the election accounts of 1878 of Lord Castlereagh?—Yes.
4. Have you got those accounts?—I have not.
5. Were they lodged with you?—They were.
6. Where are they now?—Mr. Howe sent for them, and took them away after the six months.
7. Was he the expenses agent at that time on behalf of Lord Castlereagh?—He was.
8. Was he also the expenses agent at the last Election?—He was.

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9. Have you the election accounts of this last election of Lord Castlereagh?—I have, of Lord Castlereagh and Lord Arthur Hill combined.
10. Are they joint accounts?—Yes.
11. Have you the vouchers and documents connected with them?—I have.
12. I suppose we can inspect them?—Certainly.
13. How many polling districts were there in the county?—Twenty-six.
14. Were there separate appointments by Lord Arthur Hill and Lord Castlereagh of personation agents for each district?—I do not know whether they were separate; but there was a list furnished to me.
15. That is just what I want to know; let me

Mr. Kelly.

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Mr. Kelly.  
18 June  
1856.

see the list, please?—Those are some; I have a great many more (*handing in documents*).

16. You have given me five lists?—I believe those contain the names of all the agents; but there are more, these are separate appointments.

Mr. Porter.] These, my Lord, are appointments signed by Lord Castlereagh and Lord Hill, dated the 2nd of May 1860; they are appointments for the unmentioned persons to be agents of the several polling districts, and also for the purpose of detecting personation pursuant to the Statute; then follows lists of the names, with the nature of the agency and the district opposite each name.

17. Have you any other appointments of agents on behalf of Lord Castlereagh?—I believe these are the individual appointments.

18. Have you the individual appointment corresponding with each of these?—I believe so; at least, I have some of them; I have all that were furnished to me (*handing some documents to the learned Counsel*).

Mr. Porter.] Yes; this is Mr. James H. Shaw, of Newry, as agent of or on behalf of, and so on, to attend as agent at the polling-booth of the Newry district.

Mr. Baron Fitzgerald.] This is a joint appointment.

Mr. Porter.] Yes, my Lord, of one individual. (*To the Witness*.) Have you an appointment of the agent for election expenses?

Mr. Baron Fitzgerald.] Just tell me how many of these there are?

Mr. Porter.] We will have them counted; there are a great number of them; there are five lists of these joint appointments.

Witness.] These are the separate appointments of Mr. Howe, as expense agent on behalf of each of the candidates.

19. Mr. Porter.] And have you any other appointments of any person for any office in connection with the election on behalf of Lord Castlereagh, except those you have given to us?—I have not.

20. Can you give me the numbers that polled at the last election?—I am not exactly sure just now.

21. There will be no dispute about that?—I returned that to the Clerk of the Crown, the official return.

22. Where did you reside yourself?—I was at the headquarters, Downpatrick.

23. In the booth in which you were yourself how many personation agents were there; inasmuch on behalf of Lords Castlereagh and Hill?—Well, I am really not sure; I went from one to the other; I cannot exactly say how many there were. There were about two; the list will show that.

24. Those who were nominated acted?—

Mr. Baron Fitzgerald.] Does it agree with the number in the other five lists?

Mr. Porter.] We are counting them at present.

Witness.] There are others there also.

Mr. Porter.] These 29, my Lord, are persons attending at the polling-booth, also to detect personation.

Mr. Baron Fitzgerald.] So I understand.

Mr. Porter.] These other ones that Mr. Kelly has given us are not personation appointments.

Cross-examined by Mr. Macdowall.

25. I suppose you have the accounts sent in by Mr. Crawford?—I have.

26. I will trouble you for them (*The accounts were produced and handed to the learned Counsel*).

27. Have you the expense accounts sent in by Mr. Crawford?—I have.

28. I should like the expense accounts identified and marked by the Registrar (*they were handed to the Registrar*). Now, have you the appointments of personation agents?—I have.

29. And of agents in other capacities?—I believe so; I have got everything of that sort.

30. How many personation agents were there appointed?—Well, really I did not count them.

31. They were very numerous, were not they?—They were pretty numerous; there is the list.

32. Very well, we shall readily ascertain; we will have these marked also (*they were handed to the Registrar, and marked by him*). What appointments are those?—They are connected with the same; those are the names of the persons attending at the counting of the votes (*the Witness produced a paper*).

33. We will hand them all in (*they were handed to the Registrar, and marked by him*). How many persons had Mr. Crawford attending upon the counting of the votes, do you happen to know?—The same number as Lord Castlereagh and Lord Arthur Hill.

34. And I presume his personation agents were as numerous as those of Lords Hill and Castlereagh?—As far as I know, I believe they were.

35. And these gentlemen, Lord Hill and Lord Castlereagh, gave joint appointments, of course?—They gave joint appointments.

36. And the expenses are all as for both jointly?—They are.

Mr. Porter.] Perhaps Mr. Kelly will arrange these for us. Some of them are appointments to attend at the counting; others to attend at the polling, and they are mixed up; perhaps, if Mr. Kelly would settle them for us, and let us have them tied up in different bundles, it would be convenient.

[The Witness withdrew.]

Mr. RICHARD LILBURN, sworn; Examined by Mr. Murphy.

Mr. Lilburn.

37. I BELIEVE you are Editor of the "Belfast News Letter"?—Yes.

38. Have you got with you a manuscript of an article which is headed "Is the Ballot secret"?—No.

39. Do you recollect getting the manuscript of that article?—Yes.

40. From whom did you get it?—I got it one of two ways; either in the box in the front office, where communications are placed for me, or through

through the messenger of the "News Letter" office bringing it from the front office.

Mr. Baron Fitzgerald.] I do not exactly remember the date.

Mr. Murphy.] I will give your Lordship the date of it.

41. Have you got a copy of that paper of the 12th March here?—I have two copies of the papers here; I am not aware what is the date of them.

42. There is one the 12th, and one the 24th?—I have one of the 24th March.

43. That is "The Ballot system, is it secret"?—Yes.

44. Prior to that, on the 12th March you had noticed "The Ballot system, is it secret?" this question is meriting the utmost possible attention throughout Ulster; we understand Mr. Finnegan will in a few days be in a position to fully substantiate his statements?—Yes.

45. Who directed that to be put in?—I really cannot say; I really do not recollect that individual paragraph.

46. You do not recollect Mr. Finnegan giving any directions?—No; Mr. Finnegan never gave me any directions in the matter.

47. And you had no written or verbal communication with reference to those articles?—The only communication that I had from Mr. Finnegan that I could find upon the file, or that I have any recollection of (for I have a file of my own to which I have referred) was this one (*producing a letter*).

48. Will you give me the date of that?—It was March 20th, and it was an invitation to "attend to day at 12 o'clock sharp, in reference to the ballot business."

49. Now, will you show me that communication?—Yes (*handing the letter to the learned Counsel*).

Mr. Murphy.] It is headed, "County Down Election, Committee-room, Lombard-street, Belfast, March 20th, 1880. Dear Sir, I wish particularly to see you to-day at 12 o'clock sharp, re ballot business. Yours, faithfully," and signed by Mr. Finnegan (*The document was put in, and marked by the Registrar*).

50. Have you got your books here to show the items of your account as against Mr. Finnegan, or as against Lord Castlereagh and Lord Hill, for articles?—No.

51. Have you any account in your book, or any claim against them?—I do not know anything about the accounts.

52. Did you attend that meeting to which you were invited?—Yes.

53. Did Mr. Finnegan explain to you there, how it could be discovered in what manner each voter had voted?—He did.

54. Did he show the plan by producing his cheque-book, or some book of that kind?—He did.

55. And showed how, if any person was in the booth, the number placed on the counterfoil?—

Mr. Macdonagh.] I beg your pardon, Mr. Murphy. Remember you are examining your own witness, you are not cross-examining. It has been recently solemnly decided that you cannot put such question until a witness has shown his hostility.

Mr. Baron Fitzgerald.] You cannot suggest an answer to a witness. It does not need authority to show that.

Mr. Macdonagh.] Indeed I thought not.

Mr. Murphy.] Did Mr. Finnegan show it to you by producing his cheque book?

Mr. Macdonagh.] I must object; you must ask the witness what Mr. Finnegan did.

Mr. Baron Fitzgerald.] He is asked merely did he produce his cheque book as a fact.

56. Mr. Murphy.] Did he produce his cheque book there?—He did not.

57. How did he explain the mode in which it could be detected?—He took up a small piece of paper and exhibited his method, which I really do not remember.

58. Oh, you really do not remember; that was very well put in?—It was by reference to some number on the the register, and to some number on the face of the ballot paper.

59. Yes, and some number on the counterfoil?—Yes, and some number on the counterfoil. I did not pay so much attention to it.

60. Do you recollect what was said about the number on the register?—No.

61. Was it said that the number on the register would be seen when the man came in to vote?—No; I cannot say.

62. You cannot say what was said at all with respect to the register?—The register was mentioned.

63. What was said with respect to it?—I cannot remember.

64. Tell me, did you go there in order to see whether or not the plan could be successful?—Yes.

65. How many were present?—Eight, I think.

66. Was Mr. Finnegan the person who was what I may call the operator, showing the plan?—Mr. Finnegan showed it.

67. And he alone?—He alone.

68. Did he, as far as you saw, show how his plan could be successful?—He did.

69. Did you express to him your opinion of the success of it?—I did.

70. That it was successful?—Yes, in my opinion.

71. And that by it it could be easily discovered how each voter had voted?—No; how some had voted.

72. A good percentage?—Well, the general opinion of those present was that a very small percentage could be discovered.

73. Did you express that opinion to Mr. Finnegan?—Oh, I believed more than they did.

74. That is to say, your percentage was larger than theirs?—It was larger than theirs.

75. Was it at the counting of the votes that it was said it could be discovered?—I am not quite sure, for I really do not charge my memory with that at all.

76. Did you take any notice at all of the plan which was proposed for this discovery?—I have said I did.

77. Well, now, tell us what was the plan?—Why, I have already told you. It was in relation to the number on the face of the ballot ticket, the number on the register, and the number on the counterfoil.

78. Was there anything said about the number on the back of the ballot paper?—Yes, I think there was.

Mr. Latham.  
—  
16 June  
1880.

Mr. *Lithers*.

79. Was it that that could be seen on the counting of the votes?—I rather think it was not; it was before.

18 June

1850.

80. That the number on the back of the ballot paper could be seen before?—I think it was in the actual transaction of the person voting.

81. The operation of getting the ballot paper, and putting it into the box?—Putting it through.

82. That the number on the back of the ballot paper could then be seen?—Back or face; I would be sure which.

83. Mr. Justice *Barry*.] And who were the persons who were to see it?—Any one who was up to this particular system.

84. But any person is not allowed into the place?—Of course, I mean any person who is allowed to be present.

85. Mr. *Murphy*.] What became of the manuscript of this article which was published on the 24th March subsequent?—I cannot say, the moment it passed from me I saw it no more; but I may add, if you please, that the manager ordered search to be made for the manuscript, and unsuccessfully. The manager will be here himself.

86. Did Mr. Finnegan say anything to you on that occasion about taking notice of the matter in your paper?—No, not to me particularly; what he said he said generally.

87. What did he say with respect to it?—He said, generally, that he did not wish it to be taken notice of publicly; but if any one present heard him made little of in the face of the community in reference to this matter, he expected they would protect his character.

88. And protect his character by making it known how successful his plan was?—He did not publish it.

89. He was to protect his character by making it known that he was right in what he said?—

Mr. *Macdonough*.] Does your Lordship think that question does not offend against your Lordship's rule?

Mr. Baron *Fitzgerald*.] Why? The question is, how did you understand what he said, or, "Was not that the meaning you put upon it?" and the witness has given his answer.

Mr. Justice *Barry*.] How was his character involved in this? That is what I do not quite understand; perhaps that is what the counsel wants to get at.

Mr. *Murphy*.] Exactly, my Lord. I really think these objections should not be made; they form suggestions to the witness.

Mr. Baron *Fitzgerald*.] You see, Mr. *Murphy*, we cannot help the objections being made; it takes up more time than is necessary; but there is another thing, that, Mr. *Murphy*, commenting upon them, takes up more time also.

90. Mr. *Murphy*.] Now, you have said that Mr. Finnegan said that he wished, if his character was assailed, that you would defend it before the public?—That all would.

91. I mean all you who were present?—Yes.

92. How many editors of papers, or gentlemen connected with the press, were present; about how many, I mean?—Why, there was the "Echo;" there was the "Morning News;" then I do not know whether any of those present

had any connection with the "Telegraph;" and there was myself.

93. You do not know whether any of those present had any connection with the "Telegraph?"—I do not know whether there was any one there from the "Telegraph" or not.

94. Who were the gentlemen who were not connected with the press, then?—I only know one of them, a Mr. Jenkins; I did not know his name until that day.

95. Mr. Finnegan had said, that if you heard his character assailed, it should be defended before the public?—Yes.

96. How was it to be defended?—He understood that it had been stated, either that he had employed this means or that he intended to employ this means, in relation to an election; he was most particular in trying to make the distinction between the knowledge of a system and acting upon it.

97. And putting the system in force?—Yes.

98. Tell me how was his character to be defended by the result of the experiment that he had made; by the result of the operation that he had shown you on that evening?—One way was to show that he did not assert more than he was able to perform.

99. Exactly; he did not assert more than he was able to perform; that he was correct in his assertion that it could be discovered how men voted?—Yes.

100. And that, if you heard the contrary asserted, you were to show that he was correct?—Yes, in my opinion.

101. Do you know anything with reference to the printing of your establishment?—No.

102. Or the charge for it?—No.

103. Or the orders given in reference to it?—No.

104. Had you any communication with Mr. Finnegan in reference to this article after it appeared?

Mr. Baron *Fitzgerald*.] Which article is that?

105. Mr. *Murphy*.] I am speaking of the one of the 24th March at present?—I intimated to Mr. Finnegan that I had received an article.

106. Meaning by that the manuscript of this article?—Yes.

107. Was that before it was published?—It was.

108. You intimated to him that you had received an article; but did he intimate to you from whom it was?—No.

109. Where did this interview occur in which you intimated to him that you had received the article?—I sent a communication to his office.

110. Did you get a reply to that communication?—He came to me; I invited him.

111. And you intimated to him that you had received an article?—Yes.

112. Was that when he came to your office?—Yes.

Mr. Baron *Fitzgerald*.] Is Mr. Finnegan a solicitor?

Mr. *Murphy*.] He is not, my lord.

Mr. Baron *Fitzgerald*.] He said "his office."

Mr. *Murphy*.] Your lordship is correct; I ought to have put the question differently.

113. Mr. Baron *Fitzgerald*.] What is he?—He

He is the conducting agent for Lord Castlereagh.

114. Then it was some office connected with the election. You sent to his office?—He has an office.

115. As an election agent?—He has an office as agent of the Constitutional Association of Down, my lord.

116. As to this Lombard Committee-room; was that a committee-room for the purpose of the Down Election. You said the meeting took place at the Lombard Committee-room?—Yes, my lord.

117. For the Down Election?—For the Down Election.

118. Mr. Murphy.] Now, Mr. Lilburne, you say he then came to your office when you sent the messenger?—He did.

119. Will you tell me how you intimated to him; those were the words you used; that you had received an article?—I told him simply that I had received an article in relation to a question he had been explaining to us, or been discussing, a few days previously.

120. What did he say when you told him that?—He asked the nature of it, so far as I recollect.

121. This was before the article was published?—Yes.

122. Had you the manuscript with you at this time?—It was at the printing office.

123. At the printing office?—I think it was; I am not quite sure; I will not swear whether it was in my hands or had passed from me.

124. Did you show it to him?—No.

125. What did you say then in reference to it. Did he ask to see it?—I do not think he did; no, he did not see it.

126. He did not see it with you?—Not with me.

127. You intimated to him that you had received an article; did he intimate to you at all from whom it came?—No, he did not.

128. What was the result of your intimation to him, that you had received an article in reference to this?—It ended in.

129. What did he say; did he ask you if you were going to publish it?—He asked me the nature of it.

130. Did you tell him the nature of it?—I told him it bore on the subject we had been discussing.

131. When you were discussing it, he said something about defending his character, and so forth. When you told him it bore on the subject, did you give him any intimation further as to whether it showed the success of his plan or not?—No.

132. What did he say then, when you merely said it bore on the subject; did he ask you whether you were going to publish it?—I do not think he did. No, I told him we were going to publish it; I told him I had prepared it for publication.

133. What did he say to that?—I had gone over it and made alterations in it.

134. Did you point out to him the alterations you had made in it?—No, he did not see it at all.

135. But did you intimate to him the alterations?—I did not.

136. You told him that you made alterations in it?—I did.

137. Wherefore did you send for Mr. Finnegan?—Sess. 2.

gen to his office in order to intimate this to him; simply because he was interested?—He felt very much about the reports that were in circulation in which it was alleged that he was preparing to defeat the Ballot Act, that was the allegation.

138. What he was anxious for was, to have it known, that he only could do it if he liked?—Yes, he was anxious to have it known that it was not a secret system, as it was alleged to be.

139. As it professed to be. Was there any intimation between you and him on this occasion as to how this was to be charged for?—No.

140. You had no communication as to charging it against him or against his principals?—He was charged nothing for it.

141. You say he was charged nothing for it?—Not a farthing.

142. What was the charge; what was the account of the Belfast "News Letter" against Mr. Finnegan, or against Lord Arthur Hill and Lord Castlereagh?—For printing.

143. For printing what?—In the jabbing and hook office.

144. Was there anything for printing articles?—Not a farthing.

145. Not a farthing?—Not one.

146. How much was there for sending out papers having this article?—I cannot tell you. The manager will be in the box immediately.

147. You cannot tell how many hundreds of the paper were ordered?—No.

148. Can you tell by whom they were ordered?—No.

149. You do not know?—I have no personal knowledge.

150. Had you any communication with Mr. Finnegan yourself as to the transmission of any of these papers?—No.

151. Have you told us now all that passed between you and him on the occasion when you considered it necessary to send for him to his office and he came to see you?—I think so.

152. And it was that you had an article?—That I had received one.

153. Received an article for publication?—Yes.

154. And that you intended to publish it, and had made alterations in it?—Yes.

155. And that he asked you the nature of it; what did he ask you about?—He asked me the general nature of it.

156. Did you tell him the general nature of it was a defence of him and of his plan or system?—No.

157. You did not tell him what it was at all?—I did not tell him the terms of it at all.

158. Or the general nature?—I told him generally it was in reference to the question we had been discussing.

159. Do you recollect the publication of this little paragraph, in preparation of this election evidently, "The Ballot Act, is it secret?" in your paper of the 13th?—I do not know; if I had the paper I should have it in my recollection; I have no notice to produce that paper.

160. Listen to this: "The ballot system, is it secret? This question is meriting the utmost possible consideration throughout Ulster. We understand that Mr. Finnegan will, in a few days, be in a position to fully substantiate his statements." Have you a recollection of that?—None.

161. Nor where it came from?—No; it may have

Mr. Lilburne.

18 June  
1880.

Mr. *Zellars*. have passed through the sub-editor's hands; I do not receive all.

182. But do you tell me that you have no recollection of seeing it?—I have no recollection of having seen that paragraph.

183. The heading of it was very similar: "The Ballot System, is it secret?" in the paper of the 24th March?—I see it is, now.

184. Did you at any time see in the office a slip reprinted containing Mr. Finnegan's letter to "The Whig" of February 23rd?—I do not know the letter to which you refer.

185. You know the first letter of the 23rd February?—No, I do not know it.

186. Mr. Finnegan's letter?—No, I have no recollection of having seen it.

187. Not at all?—No.

188. Who is the person in the office who keeps the accounts?—Mr. Spiller.

189. He is here, I believe?—Yes, I think so.

190. You corrected that article of 24th February, you said?—I did.

191. Did you know in whose handwriting the manuscript was?—No.

192. And did not ask Mr. Finnegan whose it was?—No.

193. Did you say anything to Mr. Finnegan about letting him see the proof of it so corrected? No, nor he did not see it.

194. In fact, it seems the only result of your interview was, that you sent for him to his office to come to your's, to tell him that there would be an article in your paper the next day about the ballot system?—I do not know whether I did, but I intimated to him I had a communication; that I had received such an article; whether I invited him or not I will not be positive; he came over.

195. I thought you said you sent for him?—I am not quite sure of that, but I sent a communication to him intimating that I had received such an article.

196. Was it a written communication?—Yes, I wrote to him.

197. Intimating that you had received such an article?—Yes.

198. Did you send for him or not?—Well, I think it is possible I may have sent for him; I may have said that I wished to see him.

199. Was it on the 23rd he came to see you?—It was on the evening of the day on which it was published; the very evening I got it I made it ready, and the next morning it appeared in the newspaper.

200. So that it was on the 23rd that you got it?—Yes.

201. Was it that evening you saw Mr. Finnegan?—Yes.

202. Then I suppose you communicated with him very soon after receiving it?—I did.

203. Is your recollection that he came over to you speedily after your communication?—No, he did not; he came over a good while after I sent to him.

204. On that evening?—On that evening.

205. However, that evening, some time?—I think it was between seven and eight o'clock he came over, and it appeared then the next morning.

Cross-examined by Mr. *Mooros*.

206. I suppose it is true what is stated in one of the articles, that Mr. Murphy read that this question as to how far the Ballot Act operated

properly in preserving secrecy would be successful in the event of persons choosing to violate their oaths?—Yes.

207. It is a matter attracting a good deal of public controversy?—Yes, a good deal of controversy.

208. Did you happen to see that which you first published refers to the subject which was in the columns of the "Northern Whig" prior to the 21st February?—The subject had been discussed in the newspapers twelve months previously; the subject was revived in the "Northern Whig," so far as I can recall.

Mr. *Justice Barry*.] Have you that article here?

Mr. *Mooros*.] No, my Lord; I have not the Whig article here.

Mr. *Murphy*.] We have it.

209. Mr. *Mooros*.] You say it was discussed 12 months before, and was revived by the Whig?—Nearly 12 months before.

210. That letter that Mr. Murphy read is one, I think, which is dated 21st February, and appears in the "News Letter" of 23rd. Mr. Murphy read a part of it in his opening statement yesterday?

Mr. *Parter*.] That is Mr. Finnegan's letter.

211. Mr. *Mooros*.] It purports to be. It goes on: "Inquirer appeals to you for help; it may ease his troubled conscience when I told him that I am engaged in providing help. Events have shown that the Conservative party have no reason to fear the ballot, hence I have aided in drafting for a prominent Conservative M.P.; amendments to be moved when the renewal Bill comes on for discussion this Session, which, if adopted, will remove the defects in the Act, and thus 'Inquirer' will be enabled to adopt the teaching of a Liberal leader during a recent election, and say one thing and do another (though I do not for one moment say that 'Inquirer' would do so) without any fear of his dual action being known to either landlord or agent. In conclusion, I have to thank you for your courteous references to me personally, and therefore to prove beyond doubt to you that what I state I believe to be true, and is so; I shall, if you so desire, call upon you at your office before the ballot division comes on this Session, and explain my ideas in detail, which I could not easily do through your columns; may I then hope to obtain the benefit of your advice and experience in enabling me to perfect the amendments I have referred to, so that the Ballot Act may be rendered what it professes to be, but what it is not, secret?"—Yes, I recognise the letter now.

Mr. *Justice Barry*.] That is the letter of the 21st February?

Mr. *Mooros*.] Yes; 21st February.

Mr. *Murphy*.] It is not the 21st.

Mr. *Mooros*.] Dated the 21st, and appearing in the paper of the 23rd.

212. I see, in the article that appeared on the 24th March, it is stated: "The 'Whig,' a few weeks ago, served him up as a dish for its readers regularly every morning, and, as if that were not enough



enough, the editor, at a meeting in Crumlin on Monday night, attacked him with a right good will; he said he went down," and so on; was that so; had Mr. Finnegan been personally attacked as to his character in the columns of the "Whig"?—Personally.

193. As if he was going to carry out what he said was a possibility if a person chooses to violate his oath?—I could not say what the writer in the "Whig" meant; he was personally attacked.

194. The editor himself had gone down to Crumlin to make a speech against him?—Yes.

195. Then you say, at all events, you received an invitation to meet a number of other gentlemen at Mr. Finnegan's house or office?—Yes.

196. Were there representatives of the different political parties at the meeting?—Yes.

197. Was the editor of the "Examiner" there?—I really do not know; I think he was; I am not sure; I cannot say; I think there were eight persons altogether, and we were all different ways of thinking.

198. All shades of politics?—All shades of politics.

199. The gentleman you speak of, Mr. Jenkins, was not a newspaper man at all; do you not know him as being a leading Liberal politician of high character?—He is a very shrewd man, but I do not know much about him; I know, from his observations in the room, that he is a very shrewd man.

200. And a Liberal in politics, which I heard Mr. Porter say is synonymous with shrewdness?—I do not know that either.

201. The matter then was discussed, and he showed you how the thing was possible?—Yes.

202. While showing you it was possible, did Mr. Finnegan utterly deprecate its use?—Utterly.

203. Or any intention to use it?—Or any intention to use it.

204. Did he, in point of fact, point out to the persons who were present representing all political parties how the violation he said was in the system could be remedied?—He showed the plan.

205. Did he tell those present that he had suggested that plan to Members of Parliament already?—I cannot say; I do not remember.

206. You know, of course, that Mr. Finnegan's character was assailed in the previous publications?—Oh, it was assailed right and left everywhere; that is the reason I was interested about it, because I knew him to be a man of honour.

207. And, in consequence, that article was published?—Yes; I do not know who wrote it.

208. It would show, at any rate, he was not telling a lie for political or other purposes, if he was able to show that was possible which he assented was possible?—Yes.

Re-examined by Mr. Murphy.

209. My friend, Mr. Monroe, has referred to the abuse, as you say, of Mr. Finnegan, in the paper, and the letter that was written; was this letter you refer to of 21st February? "Sir, as you always have been an advocate of Liberal and tenant-right principles, I beg to draw your attention to some facts," &c., &c.—(The learned

Counsel read the letter.)—You had seen that letter, Mr. Lifford, I suppose?—Yes.

210. Is that what you refer to?—One of the letters I refer to.

211. Did you at any time ask Mr. Finnegan whether he had told the canvassers that?—No.

212. You never asked him that?—No.

213. Did you in any article, or in any communication from him, ever get a denial from him that he told the canvassers that?—No.

214. You never did that?—I never got a communication in relation to that at all, at least not that I recollect, to any part except just about the ballot.

215. You said he told you he would not put in force the discovery of this system which he had made?—Yes, he told it before eight of us.

216. He never said anything as to whether he had told the canvassers?—Never to me.

217. Mr. Monroe.] Was it suggested by any persons at that meeting that he had told the canvassers?—I never heard anything about the meeting, except what I saw in the paper.

218. Mr. Murphy.] I should have asked you whether that article of the 15th May was published in your paper, "Procedure at Election Petitions," in which you announce it?—Yes, it was.

219. Was it from yourself, or was it given to you?—It was given to me. I got the article in the box in the front office.

220. You do not know where that came from?—No, but I inserted it.

221. Have you the manuscript of that?—No.

222. You do not know what amendments you made in it?—No, I do not.

223. And do not know the handwriting, of course?—No, I do not; they were verbal amendments.

224. You say verbal amendments?—Chiefly.

225. Mr. Monroe.] You did not see the original of it I suppose, in the "Irish Law Times," and copy it verbatim, with a few alterations made by yourself?—No.

Mr. Justice Barry.] It would be much more convenient if other articles are to be referred to that, we should have them. It is very vague to ask for it so; the "Irish Law Times," I very seldom see. I look to the reports. Whatever articles are material ought to be produced.

Mr. Murphy.] This came in manuscript to him.

Mr. Justice Barry.] We will never end if we are to refer to documents in that vague sort of way.

226. Mr. Murphy.] Is Mr. Spiller here?—He ought to be here; he said he would be here.

227. Mr. Justice Barry.] Do you recollect what the remedies for these alleged defects in the ballot were proposed or suggested?—I do not recollect, my Lord.

228. You neither recollect the defects nor what the remedies were?—Nothing whatever, my Lord, because I had nothing to do with it, except the personal character of the man.

[The Witness withdrew.]

Mr. WILLIAM MCADOREY, sworn; Examined by Mr. Shaw.

Mr.  
McAdorey.  
18 Jan.  
1880.

229. You are the manager of the "Northern Whig"?—I am not.

230. Are you the sub-manager, or what position do you occupy there?—Advertisement clerk.

231. Have you the manuscript of the letter which was published in the "Whig" on the 23rd February?—I have.

232. Will you produce it?—Yes.

(The Witness handed in the following document:—

"The Ballot System—Is it a Secret?

"To the Editor of the 'Northern Whig'.

"Sir,—Extreme pressure of business alone prevented me from immediately responding to the courteous request contained in your 'leader' of Friday last, that I would either affirm or deny the statements attributed to me by 'Inquirer' relative to the non-secrecy of the ballot system. I now crave space for a reply. Stripped of all verbiage, and the usual references to Tory iniquities, of which the country has recently heard so much and heeded so little, your correspondent's statement resolves itself into this; that I affirmed that the Ballot Act did not provide a complete protection to the voter, and that it was possible to ascertain how each voter had voted. Without the slightest hesitation, I admit that your correspondent is quite correct, and that I did assert this; and I now go further, by affirming that it is not only possible but easy to ascertain, if desirable, how each individual voter has recorded his vote. Within the last few years, experience gained at the counting of votes enabled me to perceive that the historic 'coach-and-four' could be driven through the Ballot Act. Being curious to know whether this opinion was sound or not, I explained the matter to barristers, solicitors, and experienced election agents, Liberals and Conservatives alike, and though some were incredulous when I first mentioned the subject, I was able, ultimately, to convince all that my contention was sound, the only difference of opinion being as to the percentage of individual voters which could be ascertained, some putting this as low as 60, others as high as 80 per cent. It was, of course, admitted that if even the vote of one individual could be known, there was an end to the secrecy of the ballot. I am accused of going about from place to place for the purpose of intimidating the electors, and 'Inquirer' asserts that I promised at one meeting to supply a landlord after the next election with a list showing how each of his tenants voted. This I emphatically deny. I have attended hundreds of meetings and never referred to the subject. At the very meeting mentioned by 'Inquirer,' I was twice pressed by a respectable farmer to explain to him if it was possible to find out how those about him, who said one thing and did another, voted. I did so to his intense satisfaction. I am also accused of 'wickedness,' &c., in endeavouring to evade an Act of Parliament, and pains and penalties are

threatened. Into the theology of the subject I decline to enter, as my theological training does not enable me to see the 'wickedness,' and my legal training teaches me that I cannot suffer pains and penalties for merely showing how a thing can be done. You are aware that it is a weakness of inventors to exhibit their ingenuity to their friends; I admit the weakness. 'Inquirer' appeals to you for help. It may ease his troubled conscience when I tell him that I am engaged in providing help. Events have shown that the Conservative party have no reason to fear the ballot; hence I have aided in drafting, for a prominent Conservative M.P., amendments to be moved when the renewal Bill comes on for discussion this Session, which, if adopted, will remove the defects in the Act, and thus 'Inquirer' will be enabled to adopt the teaching of a Liberal leader during a recent election, and say one thing and do another (though I do not for one moment say that 'Inquirer' would do so), without any fear of his dual action being known to either landlord or agent. In conclusion, I have to thank you for your courteous references to me personally, and, therefore, to prove beyond doubt to you that what I state I believe to be true, and is so, I shall, if you so desire, call upon you at your office before the ballot discussion comes on this Session, and explain my ideas in detail, which I could not easily do through your columns. May I then hope to obtain the benefit of your advice and experience in enabling me to perfect the amendments I have referred to, so that the Ballot Act may be rendered what it professes to be, but what it is not, secret?—Yours faithfully,

"Edward Thibry Finnigan.

"Belfast, 21 February 1880.")

233. That letter is signed by Mr. Finnigan?—It is.

234. Do you know Mr. Finnigan's handwriting?—I do not.

235. You have a file of the "Whig" newspaper in court?—Yes.

236. Any papers that are referred to you will be able to give us?—Yes.

Cross-examined by Mr. Kibbey.

237. Have you the manuscript of the letter read a moment or two ago, which appears in your "Whig" newspaper of 20th February, signed "Inquirer"?—I have not.

238. Have you made any search for it?—I do not think we have. I have not searched for it.

239. Do you know by whom it was written?—I do not.

240. Did you ever hear of it?—I did not.

241. Can you have search made in the office to procure the manuscript of it?—Yes, I think so.

242. Will you kindly do so?—Certainly.

243. Do you know anything about the circulating of large numbers of the "Northern Whig" about the time and before the time of the election,

tion among the electors of County Down?—I do not know of it.

244. You are only the advertising clerk?—Yes.

Mr. DANIEL FREDERICK SPILLER, sworn; Examined by Mr. Porter.

247. Are you the manager of the "News Letter"?—Yes.

248. You attend to the commercial department of it?—Yes.

249. Can you give me a copy of the account for the election?—Yes (*handing in copy*).

250. Has this account been furnished?—It has.

251. I see the total of it is 501 l. 5 s. 9 d.?—That is so.

252. To whom was it furnished?—It was furnished to Mr. Howe and Mr. Finnigan.

253. Has it yet been paid?—No.

254. You have seen that article about, "Is the Ballot a Secret?" of 24th March?—Yes.

255. Was that article paid for?—It was not.

256. Not in any way?—In no way.

257. Now charged for?—Not charged for.

258. Were any of the papers in which that article is contained furnished to anyone on behalf of Lord Castlereagh or Lord Arthur Hill?—Yes.

259. How many?—Nearly 10,000.

260. Were they charged for, and paid for?—They were charged for, but not paid for yet.

261. When were copies forwarded?—On the day the article appeared.

262. The 24th March?—If that is the date.

263. Had they been ordered beforehand?—No.

264. When were they ordered, do you know?—I think about 11 or 12 o'clock on that day.

265. It is a large order; was there a special publication, then, for that?—Of course there must have been.

266. Where were they sent to?—To the office in Lombard-street.

267. Were any other papers containing articles ordered and supplied to the same place during the election?—There might be some 10 or 12, or two or three dozen, but nothing like such a large number as that.

268. Were they sent folded, do you know?—The papers I refer to were sent in parcels; sent all over in different parcels.

269. Were they made up for posting by you?—Not made up for posting, but sent over in certain numbers.

270. Were they divided in certain numbers?—Yes, there were so many different parcels; so many different parcels with numbers in each.

271. Have you the order for those?—I have not.

272. Were they made up in different numbers, uneven numbers?—Yes.

273. A thousand and one in one, and 500 in another?—I do not think so many in any one parcel, but different lots.

274. Made up in separate lots to be sent to different people?—Separate lots.

275. By whose orders was that?—Either by Mr. Finnigan or one of his officials.

276. Do you recollect; perhaps it appears in the account, but I have not had time to look at it yet; do you recollect a strip being struck off and printed in the newspaper afterwards, in the

269—Sess. 2.

245. Who would be the person who would know of the circulation of extraordinary numbers of the paper?—The dispatch clerk.

246. What is his name?—John Shaw.  
[The Witness withdrew.]

Mr. Macdougall.  
18 June  
1850.

"Whig," of Mr. Finnigan's letter, that had previously appeared in the "Whig," printed as a slip from the "News Letter" office?—Not that I am aware of.

277. Have you seen that placard about Major Crawford's retirement?—I was living in Bangor at the time, that is how I noticed it.

278. Was it printed by the "News Letter" office, do you know?—No.

279. Do you know where it was printed?—I do not.

280. You never saw it until you saw it posted up?—I did not.

281. Did you see it posted in Bangor on the day of the poll?—I did.

282. Largely?—I cannot say, because I only passed from my own house to the station. I noticed it at the station, that is the only place.

283. That would be early in the morning, I suppose?—By the nine train.

284. There may be some things I shall want to ask you about in reference to this account; in the meantime I have done with you.

Cross-examined by Mr. Macdougall.

285. That publication, or whatever it is, that election squib, you say you saw at Bangor?—Do you mean the poster?

286. Yes, the poster?—That is so.

287. That is close to the residence of the Crawford family?—The station is not; it is some two miles.

288. About two miles; that is where the Crawford's live, in that district?—Yes.

289. I suppose you saw several placards upon the other side also?—I cannot say. Such things are usual at all elections. I have seen a great number for the last 35 years or so.

290. Foolish squibs; I suppose you never knew an election when you did not see any?—Less than usual this time. There have been far more at other times.

291. Did you see the ridiculous caricatures of Lord Castlereagh and Lord Hill?—I did.

292. Where were they put up?—They may have been put up in different towns. I live in Belfast, but in the summer months I stop at Bangor, and I happened to be in Bangor on the day of the election.

293. Did you see them posted there?—I have seen them.

294. At different places?—I have.

295. Do you happen to remember whether a very large number had been ordered for publication of the Lisburne meeting at your office?—Yes; I recollect it.

296. Do you remember if it was about 14,000?—Yes; between 13,000 and 14,000.

297. Of the Lisburne meeting?—Yes, of the Lisburne meeting.

298. And I take it for granted, large numbers of other papers also at your office were ordered?—Of extracts and reports of different meetings; a large number was ordered of different meetings held throughout the country.

B

299. Thousands?

Mr. Spiller. 299. Thousands?—Yes, thousands, I may say.  
 300. Fourteen thousand of the Liberator meeting?  
 18 June Between 13,000 and 14,000. I think,  
 1890. 13,700.

Re-examined by Mr. Porter.

301. I see in this account there are a number of items of copy of the "News Letter" sent to different individuals, and charged, for instance, 84 copies to Mr. Boyd of Kirkcubbin; 60 copies, "News Letter," to Mr. Boyd, Kirkcubbin; 26th, 60 copies, "News Letter;" 27th, 60 copies,

and so forth; on the 3rd April, 560 copies of the "News Letter" were those all of the "News Letter" of that day?—Of that particular day; that contained reports of the meetings held at different places.

302. In pursuance of whose orders were these supplied to Mr. Boyd, Kirkcubbin?—By Mr. Finnigan, or one of his assistants.

303. Who is Mr. Boyd?—I think an agent for papers in Kirkcubbin. In fact, I think he is our own agent, or Mrs. Boyd is our agent.

[The Witness withdrew.]

Mr. JOHN EDMUND EMMERSON, sworn; Examined by Mr. Murphy.

Mr. 304. Are you the Editor of the "Banbridge  
 Chronicle"?—I am.

305. Do you recollect this article of February 28th: "Mr. Finnigan's assertion that he can penetrate the secrecy of the ballot," &c. &c. (The learned Counsel read the article). Do you recollect that article being published in the paper?—Yes.

306. Have you the manuscript of it?—I have not.

307. Have you your account?—I have.

308. Will you let me see your account?—Yes (handing the account to the learned Counsel).

309. Did anyone furnish you with the manuscript for that article?—No.

310. Had you seen Mr. Finnigan at all prior to the publication of it?—I had not.

311. Or subsequently to it?—No.

312. Had you seen Mr. Card in reference to the publication of it?—No. I had seen Mr. Card, as I probably have to-day, but I have had no communication with him in reference to the particular article.

313. Neither prior nor subsequently to the publication of it?—No further than a casual conversation that might have occurred afterwards.

314. Had you at any time in your paper, as an advertisement, the article that appeared in the "Belfast News Letter"?—No, I never had an article on the subject as an advertisement. I think in that very paper which you hold in your hand you will find a letter written by Mr. Finnigan; I think it is, perhaps, on the fourth page.

315. In this same paper?—I think so. It had previously been published in one of the Belfast papers.

316. Had you any article in your paper, prior to the election, published as an advertisement with reference to discovering how parties voted at the ballot?—Certainly not.

317. Had you at any time a special order for any number of your paper to be sent to agents?—No, never.

318. Never a special order?—None.

319. Just show me in this paper, where you say there is a letter from Mr. Finnigan (handing a newspaper to the Witness)?—No, it is not in this paper.

320. Was Mr. Card, to your knowledge, acting as agent for Lords Castlereagh and Hill?—I understand so.

321. Mr. Macdonagh?—Never mind what you

understand?—I have no knowledge upon the subject.

322. Mr. Murphy.] When you know the facts yourself, you might as well say, "I must prove beforehand that Mr. Finnigan is his agent." (To the Witness.) Mr. Card is a solicitor, is not he?—Yes.

323. Have you any manuscript of any letter from him that was published in the paper, or any advertisement?—No.

324. Did you receive any orders from him in reference to any advertisements or letters?—During the time of the election, in reference to a meeting or the like of that.

325. Have you got any letter or written order of his received prior to the election?—The orders came from the committee-rooms.

326. Have you got any of those?—I have them every one.

327. Now, will you let me see those that came from the committee-rooms. May I ask you was this letter that was published by you communicated to you by Mr. Finnigan?—The first letter was. These are all the orders that I have, both from Belfast and the committee-rooms in Banbridge.

Mr. Murphy.] This letter is the same as that I have read; it is a copy of the letter, Belfast, 21st February 1850. It is a reply to the letter that had been in on the Friday previous which I read, in which you had been accused of impressing the canvassers, and so forth.

Mr. Justice Barry.] Is not that the letter so often referred to, that appeared in the Belfast paper of the 23rd?

Mr. Murphy.] Yes, my Lord; and in this paper of the 25th, and that was in reply to a prior one.

Cross-examined by Mr. Murray.

328. Which of these letters is it you say you think you got direction from Mr. Finnigan to answer?—The one at the top; it is simply a request that I would answer it.

329. There is the clipping out of the newspaper?—That is quite a common thing.

330. As directing attention?—Quite common, and I should have cut it out myself; and there is another just below it that I inserted myself.

331. From what paper?—I think it is from the "Whig."

[The Witness withdrew.]

Mr. CHARLES J. DEMPSEY, sworn; Examined by Mr. Porter.

332. You are on the editorial staff of the "Ulster Examiner"?—Yes, and proprietor.

333. That is a newspaper circulating and published in Belfast?—Yes.

334. That paper circulates largely in the County of Down?—Yes.

335. Had you business charges in connection with the County Down Election as against Lord Arthur Hill and Lord Castlereagh?—Yes.

336. And have you furnished your account to them?—Yes.

337. Have you a copy of that here?—Yes, I have a copy of it here (*Handing same to the learned Counsel*).

338. I see a charge here on the 25th of March, "The ballot system, 3,340 'Examiners.'" The ballot system, one insertion, 6 l. 10 s.; what does that refer to?—It refers to an advertisement that was copied from the "News Letter."

339. Have you a copy of the "Examiner" containing that advertisement?—Yes (*producing the newspaper*).

340. Is that article a reprint of the one in the "News Letter" of the previous day? "The ballot system, is it secret"?—Yes.

341. Published as an advertisement in the "Gazette"?—Yes.

342. Was 6 l. 10 s. charged for the advertisement of that?—Yes.

343. Then I find 3,340 "Examiners;" is that 3,340 copies of the paper containing that advertisement?—Of that day's issue.

344. That is 13 l. 14 s. 8 d.; to whom were those 3,340 copies supplied?—They were sent to Lombard-street.

345. That is Mr. Finnigan's office?—I do not know whether it is Mr. Finnigan or Mr. Ord; they were sent to that office.

346. And paid for?—Yes.

347. Who ordered them?—The order came over from the office.

348. In what form were they sent, by post or in parcels to be dispatched through the district?—They were just sent in parcels from the machine-room, loosely.

349. Mr. Baron Fitzgerald.] To whom were they charged?—To Lord Arthur Hill and Lord Castlereagh.

350. Mr. Murphy.] That is one of the election accounts you furnished to Mr. Howe, and it has been paid?—Yes.

351. The total of the account is 330 l.; there is a good number of addresses, and so on?—Yes.

Cross-examined by Mr. Killy.

352. Mr. Dempsey, were there other days on which considerable numbers of the "Examiner" were ordered from the Lombard-street office?—Yes.

353. Was there any occasion on which as many as 3,000 were ordered?—There were over 5,000 ordered sometimes.

354. On particular days?—Yes; not since the last election, but prior.

355. Have you got the account, or a copy of the account, which you furnished to Major Crawford's expense agent?—I have not; I know the amount of it.

356. How much was it?—£. 68; it is not yet paid.

357. Mr. Justice Barry.] Was your journal favourable to Mr. Crawford or Lord Castlereagh?—It was neutral, I may say, my Lord; it scarcely interfered.

Re-examined by Mr. Porter.

358. I see there is another date, April 6th, upon which there is another advertisement, 3,680 copies of the "Examiner;" have you got a copy of that paper here?—No; I was only asked to bring the papers of March.

Mr. William Henry.] Prior to taking the book, I want to make an application to you; it is simply this: I have been subpoenaed here, and I attended in obedience to that yesterday and to-day; it is a most remarkable subpoena. I got it yesterday morning at nine o'clock, and I came in obedience to it yesterday, and I got half a sovereign for the whole lot. The return fare is 5 s. 10 d. Prior to giving evidence, I appeal to you as to whether I am to be treated in this manner as a professional gentleman; 10 s. is all I got, and the publication of my paper is to-day, and I am obliged to employ a gentleman to take my place. I am proprietor and editor of my own journal.

Mr. Baron Fitzgerald.] Where is your paper published?—Newtownards, my Lord.

Mr. Baron Fitzgerald.] He must be paid his reasonable expenses.

Mr. Murphy.] Of course he must, my Lord.

[The Witness withdrew.]

Mr. WILLIAM HENRY, sworn; Examined by Mr. Shaw.

359. You are proprietor and editor of the "Newtownards Chronicle"?—Yes.

360. You furnished your accounts of the election expenses to Lord Castlereagh?—I have.

361. Have you the accounts with you?—I have the books here, and I presume you have a copy there as well. He asked me to produce the whole "Chronicle" office nearly, and I have it here, except the furniture; that is the only thing I have left behind.

362. You got several orders, I believe, from Mr. Finnigan?—I did, sir.

363. In the course of the election?—Yes, I

have them here just as I got them (*Handing two files to the learned Counsel*). They are paid for at any rate.

364. Now, is there an order upon this for the insertion in your newspaper of that article from the "News Letter" of the 24th March?—There is not.

365. Was it inserted in your newspaper?—It was.

366. Was it inserted as an advertisement?—It was; at least, I charged for it as an advertisement, and it was paid for.

367. How many copies of that paper were ordered

Mr. Dempsey.  
16 June  
1880.

Mr. Henry.

Mr. Barry. ordered by the agents of Lords Hill and Castlereagh?—Not a single one extra; I mean, beyond the ordinary circulation.

18 June 1880. 368. Were there any number of copies ordered at all by the Respondent's agent?—There were not; I am very sorry there were not.

369. Were there any copies of that paper ordered by them at any time?—Oh, yes; there was a supplement I issued containing a report of the meeting at Holywood; that is all.

370. At any rate, you inserted this as an advertisement?—I did.

371. And you charged for it, and it was paid for?—Yes.

372. What is the date of the insertion of that advertisement?—I have the file here. I suppose it would be about the 24th; I can produce it here to you.

373. Was it the 27th of March?—I think it was.

374. There is an item in your account for "Election Extracts," ordered by Mr. Finnigan; what does that refer to?—Really I could not tell you without looking at the file here; will you give me the date of that.

375. March 27th is the date of that?—I have it here (producing a file of the newspaper).

376. The item furnished in your account is this: "Election Extracts, 269 lines; ordered by Mr. Hill, 13*l*. 2*s*." What was the nature of that order; what do you mean by "Election Extracts"?—You had better take it over yourself and read it. There is all it is; it was worth the money, too.

377. Have you a copy of your paper in which this advertisement appears?—I believe I have not.

378. Have you got the file here?—Oh, yes; I have brought everything except the furniture of the office.

379. Mr. Murphy.] Do you recollect on what date you published?—I get up on Friday for Saturday's date always.

380. Mr. Moore.] I see this is the "Enthusiastic reception of Lord Castlereagh?"—Yes, that is what I published, and a very enthusiastic reception he had, and I hope he will have it again when his time comes round.

Cross-examined by Mr. Macdonagh.

381. Just one word; you have been asked about "Election Extracts" that were ordered?—Yes.

382. And they are upon this page of the paper, 27th March 1880?—Yes.

383. I find here what they consist of, and I must inform the Court, shortly, of them: "A public meeting in support of the candidature of Mr. Shuman Crawford will be held in Kirkcubbin on the 1st April 1880; Mr. J. J. Shaw, A.L., and Mr. Fitzgerald, A.L., and other prominent advocates of tenant right, free sale, and grand jury reform will be present and address the meeting." Is that my young friend here?—Yes.

384. One of the two counsel with my friend?—Yes.

385. And the other, a most able and clever young friend of mine, was he there too?—Yes.

386. "A meeting in support of the candidature of Lord Castlereagh and Lord Hill will be held in Donoughadee;" then comes the address of Lord Castlereagh, which follows the publication of the address of the two candidates to the electors of the County of Down, and also one by Lord Arthur Hill. Then, "A word as to tenant right and its origin." Lord Hill said: "On the subject of tenant right, I trust that, as a member of the house of Hill, I have a claim to speak (cheers). All thinking men will admit that the great and righteous cause of tenant right originated on the Downshire estates, where from the earliest period it received the cordial support and fostering care of my family (loud cheering)." A Voice: "We all know that to be true." "If any man doubts the beneficial results of a full and fair recognition of tenant right, I ask him to observe the condition of those estates; industry, prosperity, and peace characterise the people; improvement and progress are observable on every hand (cheers). Although they have hard times, tenants' interests on those estates hold their value, and 30*l*. 40*l*., and even 60*l*. and 80*l*. per acre is readily paid for farms. My policy on the main question would be to uphold the tenant right on our own estates, and to advocate the extension of similar benefits to every tenant farmer in the country (loud cheering)."

Mr. Justice Barry.] Is it proposed to read all the speeches that were made at the election?

Mr. Macdonagh.] Certainly not, my Lord.

Mr. Justice Barry.] I do not see the relevancy of the quotation; but if I judge by the number of newspapers produced, we will not be able to take our place at the assizes on the 5th July, if they are to be read.

Mr. Macdonagh.] Certainly you would not, my Lord, but whenever they give in evidence anything bearing upon the case, it is my duty to cross-examine upon it.

Mr. Baron Fitzgerald.] They do not give this in evidence now; what they found was some items that looked suspicious until they examined it; they called for it and looked at it; seemed to be satisfied with what they saw, and gave it up.

Mr. Murphy.] There is nothing in it; that is the reason my friend reads it.

Mr. Macdonagh.] It is not the reason; I read it for a subject I shall have to address the Court upon when the proper time arrives.

Mr. Baron Fitzgerald.] But you need not read it before the witness; you can read it at the proper time.

Mr. Murphy.] And you can mention the names of all the clever young gentlemen who are brought forward prominently as barristers, and unnecessarily brought, I think.

[The Witness withdrew.]

Mr. JOHN F. ENNIS, sworn; Examined by Mr. Murphy.

Mr. Ennis. 387. I BELIEVE the "Freeman's Journal" has an office in Belfast?—Yes.

388. And you conduct the business in Belfast for them?—Yes.

389. Do you recollect getting any letter from Mr. Finnigan, with directions to publish it?—It was received in the Dublin office; sent from London.

390. Could

380. Could you give me the manuscript of the letter which was published? (It was handed by the Witness to the learned Counsel.) That is "The Ballot system; is it secret?" To the Editor of the "Freeman's Journal," Sir, I observe," &c.?  
—Yes.

381. It is dated from the Westminster Palace Hotel, 3rd March?—

Mr. Moore.] Is that the one in reference to Mr. Callan?

Mr. Murphy.] Yes; "The ballot system is no secret. He says extreme pressure of business prevented his answering the letter sooner."

382. Now, was that paid for?—No.

383. Had you any account with Mr. Finnigan in reference to the election?—No.

[The letter was put in, and marked by the Registrar.]

Cross-examined by Mr. Moore.

384. That is a copy of the same letter (handing document to Witness) which was copied from a circular in the "Northern Whig" of the 8th March?—Yes.

[The Witness withdrew.

Mr. JAMES DONOGHUE, sworn; Examined by Mr. Porter.

385. We called Mr. Noble; is he the manager of the Belfast and Holywood Railway Company?  
—Yes.

386. Has he sent you instead?—Yes.

387. You were asked to produce a document relating to a parcel which was sent from Mr. Finnigan to Mr. Rainey, of Bangor?—Yes. (The Witness produces a document.)

388. Is this the ordinary way-bill from Belfast to Bangor?—It is.

389. And do you see the invoice of one parcel. "Sender, Finnigan. Name of Consignee, Rainey. Destination, Bangor. Paid, 4d."?—Yes.

390. Was that parcel sent by the railway at that date?—It appears so from that entry.

391. Was that entry made in the ordinary course of business?—Yes.

402. What is your position in the company's service?—I am the accountant.

403. Was there a charge by the Belfast and Holywood Railway Company in connection with election expenses?—No; that was paid by the messengers who delivered the parcels, and was not charged in the account.

404. Do you yourself know what the parcel was?—No. I do not.

405. Mr. Rainey lives in Bangor?—I believe so.

Cross-examined by Mr. Moore.

406. Do you know what the contents of the parcel were?—I do not. I do not know anything at all about it.

[The Witness withdrew.

Mr. JAMES H. RAINNEY, sworn; Examined by Mr. Murphy, Q.C.

407. Were you conducting agent under Mr. Finnigan for the district of Bangor?—I was.

408. Were the canvassers of that district under your direction?—They were subject to the general supervision of the local Conservative committee.

409. Subject to your directions also there, I suppose?—

Mr. Macdonough.] Do not suppose, if you please.

The Witness.] I only acted as the mouth-piece of the committee.

410. Mr. Murphy.] But did you communicate to the canvassers the wishes of the local committee?—From time to time.

411. How many canvassers were employed in the district in which you were engaged?—It would be difficult to say accurately; about a dozen, I should think, not more.

412. Have you the names of them?—I have not.

413. Do you recollect the names of them?—I recollect the names of some of them.

414. Give me those that you do recollect?—Mr. Jordan, Mr. Newell, Mr. Harvey, Mr. Bowman, Mr. Richard Rose, Mr. Cleland, and myself.

415. Was that Mr. Cleland of Stollymore Castle?—Mr. Cleland of Rathgate House, Bangor.

416. Mr. Justice Barry.] Were these the 240.—Sess. 2.

canvassers, do you say?—Yes, so far as I can remember. There may have been more, my Lord.

417. Mr. Murphy.] Do you recollect receiving a parcel from Mr. Finnigan on the morning of the polling?—I received several parcels during the day of the polling.

418. Do you recollect receiving one containing any placards or bills?—I received a parcel containing bills, in reference to the County Antrim election on the morning of that day.

419. Tell me, did you see a placard posted up there about the retirement of Major Crawford?—I did.

420. Did that come to you?—That came to me.

421. I suppose you knew that that was the placard I was referring to?—I did not know it.

422. Did you know?—I did not.

423. Where did it come from?—It came from Belfast.

424. I suppose it did, but from whom or from where at Belfast?—I did not make any inquiry particularly. All the parcels I got came from the central committee rooms, and I did not pay any particular attention; at the time I opened it I did not know what it contained.

425. But you did open it?—I did.

426. Mr. Baron Fitzgerald.] Are these what are called the Lombard-street Rooms?—Yes, my Lord.

23

Mr. Rixis.  
15 June  
1880.

Mr.  
Donoghue.

Mr. Rainey.

427. Mr.

Mr. Rivney.  
18 June  
1880.

427. Mr. Murphy.] And you had them posted?  
—I had them posted.

428. Extensively through Bangor?—Not extensively at all.

429. How many of them did you get?—I could not say.

430. You could not say how many hundred?  
—I am sure I did not get a hundred at all.

431. Tell me how many you got?—I could not say; I did not count them.

432. What did you do with them?—I gave some to bill-posters; all were not posted.

433. You do not know how many you gave to bill-posters?—I do not.

434. I suppose you did not know whether the statements in it were true or false?—I apprehended that it was entirely a joke.

435. Did you apprehend that it was entirely false; did you believe it to be false?—I believed it was an error, in fact.

436. Will you answer my question distinctly; did you believe the statement to be false?—I believed it to be false.

437. And came to that conclusion at once on reading it?—I did.

438. Was it on the morning of the day of polling that it came to you?—It was; on the arrival of the train leaving Belfast, at 12 o'clock.

439. On the day of polling; will you swear you did not get it before nine o'clock?—I will swear it was not posted in Bangor before nine o'clock; I swear, to the best of my recollection, it did not come till 12 o'clock.

440. Will you swear it did not come till 12 o'clock?—I should think, my Lord, the bill of lading will show what time the parcel came down.

441. Did you receive several parcels during that day?—I received several parcels on the morning of that day in reference to the County Antrim election. I am sure that parcel did not come till 12 o'clock of the day of polling.

442. Do you recollect what was paid for it, or anything of that kind?—I never paid anything; parcels were always sent prepaid.

443. Parcels were all sent prepaid, were they?  
—Yes.

444. Had you anything to do with the arrangement as to cars in your district?—No, except in engaging the car which I used myself during the course of the election.

445. Who was the agent or person there for the employment of cars?—Mr. Harvey was appointed car agent upon my application to Mr. Finnigan.

446. Was he to furnish the accounts to you?  
—He was.

447. Did he furnish the accounts to you?—He furnished the accounts to me.

448. Did you give him instructions as to what mode the cars should be employed in?—No; I left it entirely to his own discretion.

449. Do you know as a fact whether any cards were issued to the car owners or drivers?  
—I know that they were not in the Bangor district.

450. When did Harvey furnish the account to you?—Harvey furnished the account to me shortly after the election; when I was preparing the bill of the expenses for my district.

451. Has any other account been furnished by him since that to you?—None.

452. Or any other account furnished by any

car owners or other persons claiming payment since that?—No; the only thing approaching that was, that the amount which Harvey claimed for one carman was disputed by the carman.

453. Is that all, only that one?—Only just that.

454. Will you show me that account?—There is a general statement of the district expenses (*including some to Witnesses*).

455. Did you leave it to his discretion as to the cars that he was to employ, and what was to be paid for them?—I left it to his discretion as to the carmen whom he should employ, but I suggested that the carmen should only get an amount equivalent to the amount of work they performed.

456. Did you fix any limit for him?—I fixed a price.

457. What was the amount fixed; was it 1 L deposit for the car, and 5 s. for the driver for the day?—The carman was paid according to time; it may have been a day or half-a-day; we seldom paid them less than half-a-day, and for the day of the election 3 s. each.

458. And prior to that was it the same payment?—No, it was less than that; not more than 1 L. a day; and we arranged according to the work done.

459. Was it you engaged the clerks attending the booths on the day of the polling?—It was, assisted by the other members of the committee who were there.

460. By the gentlemen you have named, I suppose?—Yes, and some others.

461. And was it you engaged the personation agents?—It was.

462. How many polling places were there at Bangor?—Only just one polling place.

463. How many clerks had you attending there on the day of the polling?—I think we had just two clerks in the tallying room, or it might have been three. I could tell by reference to my one sheet.

464. Then here is your sheet (*including some to the Witnesses*); this only shows the expenses?—They are all printed under that heading, "Clerks and Agents."

465. But I want to know how many clerks and how many personation agents were in the place on that day, and were all that attended there paid?  
—No, they were not.

466. That gives me only those that were paid?  
—William Harvey.

467. Is that the same Harvey who had the cars?  
—It is not.

468. Who is he?—It is his son.

469. What age is he?—He is a married man.

470. He was one of the clerks at the polling place?—He was a clerk in the tally-room. Oh, I beg your pardon, he was not on the day of election; he was a clerk in the committee-rooms during the course of the election. Sayes and Skillan were the only paid clerks in the polling room.

471. Is William Harvey a voter?—No, he is not.

472. Was Pettigrew a voter?—He is not.

473. Was David Harvey, whom you employed to engage the cars, a voter?—He is.

474. Did you pay him anything?—Not anything. He clearly understood he was not to be paid anything.

475. As personating agents, how many had you?



you?—There were three; Bowman, Arnold, and Newell.

476. Arnold was one of the personating agents, and he was paid for his day's attendance?—He was paid.

477. Are you aware that he was a voter?—He is not a voter.

478. Is he a young boy; what is he?—He is a young man, the son of a farmer in one of the districts.

479. What is his age?—Judging from appearance, 21 or 22.

480. His father is a voter?—His father is a voter.

481. John Newell, junior; is his father a voter?—His father is a voter.

482. Where does Arnold live, the young man who was chosen as the personating agent; is it far from Bangor?—About two miles.

483. How many other personating agents had you in Bangor?—Only just three; Arnold, Bowman, and Newell.

484. No others?—No other.

485. Now, Henry Bowman, whose son is he?—He is the son of Robert Bowman.

486. What age is he?—Twenty-six or 27, I should think.

487. Does he live with his father?—He lives with his father.

488. His father is a voter?—His father is a voter. I think he is in partnership with his father.

489. As what?—In business.

490. He is not a farmer?—No; he is a butcher.

491. And Bowman, Newell, and Arnold were the sons of voters?—Yes.

492. And they were the only personating agents?—They were the only personating agents.

493. Were you in the polling place during the time?—I was in it; frequently passing in and out.

494. Is Pettigrew a voter?—No.

495. Or his father?—No.

496. Harvey's father was a voter?—Yes; he is the man who was employed as car agent.

497. Sayers and Skillen; were their fathers voters?—Skillen has not the franchise, but Sayers' father has the franchise.

498. Does he live with his father?—He lives with his father. Perhaps you will allow me to explain that the reasons for selecting these persons as personating agents was simply because one belonged to the town and the others to the two extreme districts of the country, as farmers' sons are thoroughly acquainted with the people of the neighbourhood.

499. I suppose, as a rule, you would get a farmer's son well acquainted with the people of the neighbourhood?—I believe so; he is the very best agent we could get.

500. A person of that rank of life would be most likely?—Yes; he would have a thorough knowledge and acquaintance with his own neighbourhood, which an agent could not have.

501. Which any other agent or person unconnected with the place would not be at all likely to have?—No, not at all likely.

502. Is that the same William Skillen who has been mentioned here as the messenger on the day of the poll?—The same.

503. When was this made out?—I think you will observe the date there.

504. Will you look at this document and tell

us (Addressing same to the *Witness*)?—About 10 days after the election; I could not say exactly.

505. Had you any other persons in that book as agents, distinct from personating agents?—No, we had not. I passed in and out of the booth, just having taken a declaration from time to time.

506. A declaration as what; as a personating agent?—It was just a declaration of secrecy to enable me to go in.

507. As an agent?—As an agent.

Mr. Macdonagh.] Of course your Lordships are perfectly aware that there is no charge in this petition as to employment of voters colourably, or anything of the kind.

Mr. Justice Barry.] No; we were just observing that.

Mr. Macdonagh.] Well, I really feared that your Lordships might think I was making too formal an objection; but it appears to me that a great deal of the evidence which is being given has really no application to the case before the Court.

Cross-examined by Mr. Macdonagh.

508. Now, be good enough to inform the Court are not those gentlemen whose names you mentioned men of high standing and position in the county; take Mr. Cleland, for instance?—Yes.

509. Is not he a man of high position as a farmer?—Yes; they are men of the highest farming classes in the county.

510. Were not those gentlemen quite unpaid?—The canvassers?

511. Yes?—Quite unpaid.

512. They were gentlemen who had associated themselves together for each district in this county, I believe?—Yes; gentlemen who had volunteered for the promotion of Conservative interests.

513. And you were one of that very body in Bangor?—Yes, I was.

514. And were they all associated together for the advancement of the interests which they felt at heart; their own interests?—They were.

515. May I also class with the gentlemen I have mentioned Mr. Cleland, Mr. Jordan, Mr. Newell, Mr. Harvey, and Mr. Bowman?—Yes; they are all members of the local Conservative committee, which exists independent of an election period, and has meetings from time to time.

516. And I believe that you know that those gentlemen associated together in order to avoid the expense that had been incurred upon former elections, and to provide that the business of canvassing should be unpaid.

Mr. Murphy.] I object to that question.

Mr. Baron Fitzgerald.] We have not heard the answer; but the learned Counsel put a long question of that sort, which the witness does not seem inclined to adopt.

The *Witness*.] The reason I did not answer was, I did not quite apprehend the question.

517. Mr. Macdonagh.] Was not that association formed for the purpose of avoiding the expense which has been incurred in former elections?—It was. It was thoroughly understood to be so, although the association had existed on former occasions; but we understood that the local committee should exert itself more than

Mr. *Asing*. formerly, to avoid the great expense that had been previously incurred.

18 June  
1880.

518. You were not aware of the cars that were employed for the conveyance of the voters?—I knew they were engaged, and I knew the names of the carmen; but I had nothing to do with the formal engagement of those men.

519. But were the instructions of that local committee not to have any paid agent who was a voter?—The instructions were definite and distinct.

520. Did you receive these definite and distinct instructions from Mr. Finnigan?—I received them definitely from Mr. Finnigan.

521. That no voter should be a paid agent?—That no voter should be a paid agent.

522. And that was carried out, as far as you know?—Yes; I put that before those members of the committee who might have expected payment, and I said, "If you vote, you must understand that you are an unpaid agent; but if you think of making a claim, you must at once refrain from voting;" and they said that they would vote and expect no payment. I received a telegram from Mr. Finnigan upon that subject.

523. Distinctly directing you that no voter should be a paid agent?—Distinctly that no voter should be a paid agent.

524. Now, with respect to this matter that you regarded entirely as a joke; Bangor is the district in which Crawfordthorn is?—Yes.

525. And I believe Mr. Crawford was in Bangor on the very day of the posting of that placard?—That is so.

526. Was he moving about in the town of Bangor?—I saw him in the polling-booth, but I did not see him afterwards.

527. Do you know who it was that directed that joke to be placarded?—I do not know.

528. Or who originated it?—I do not know. I originated it myself.

529. Then you must know who originated it, if you did so yourself?—I originated it myself.

530. Had Mr. Finnigan anything to do with it?—Not to my knowledge.

531. How did you originate this joke yourself?—My house had been covered, on the Sunday previous to the election, with Mr. Crawford's

placards; and it occurred to one or two of us in Bangor that we should play off a joke upon those who had joked with us, and it was suggested that the best way to do it would be to put out a bill before two o'clock announcing his retirement. It was recognised as a joke by all persons present at the election, and I myself prevented the bills being put upon the house of the Liberal agent, because I thought it had gone far enough. No one thought it was serious.

532. That was in retaliation for their having posted your house?—Yes; there had been local warfare more or less brisk, and we thought we would give them a Roland for their Oliver.

533. When you resolved upon this joke, did you direct that the placards should be sent to the Lombard-street office?—No, I did not.

534. How did they get there?—I do not know.

535. Mr. Justice *Burke*. Was it you who ordered the placards?—It was I who ordered the placards.

536. Where was it you ordered them?—I ordered them by telegram to the Constitutional Society's rooms.

537. Have you got that telegram, or a copy of it?—I have not.

Re-examined by Mr. *Murphy*.

538. Was Major Crawford there in town on the day that placard was posted?—I did not see him after those bills were put up.

539. What time of the day did you see him there?—About 11 o'clock.

540. You saw him yourself?—I saw him myself; he was in the room.

541. What day did you order the placard which you say was a joke?—I think it was on the morning of the poll.

542. When I asked you about this placard at first, you recollected all about it, and that you had ordered it?—I remembered distinctly that I had ordered it.

543. Was it on the day previous that you had sent up the telegram for it?—No; I think it was on the day of the poll.

544. Did you get any reply?—The only reply I got was the bills themselves.

Mr. JOSEPH CAMPBELL, sworn; Examined by Mr. *Shaw*.

Mr.  
*Campbell*.

545. You are an Officer of the Belfast and County Down Railway?—Yes.

546. You have an order to produce the books, showing the parcels that were sent on the 7th of April?—Yes.

547. Have you got them?—I have.

548. Will you find those of the 7th of April, and will you look for those sent to Saintfield; have you any memorandum there of a parcel sent to Saintfield from Mr. Finnigan to Mr. Wellington Young?—I have.

549. Will you produce that (the witness handed the book to the learned Counsel); do you know that that parcel went?—I expect so. That is the original copy of the bill.

550. Was there a parcel on the same day to Ballynahinch?—There was.

551. Will you find that also; and will you find out who was the sender of that parcel?—Mr. Finnigan.

552. And to whom it was sent?—To Ellis, by the same train.

553. The Christian name of Mr. Ellis is not given?—No.

554. Were there any other parcels from Mr. Finnigan to other stations on the line on that day?—Well, I cannot say for that day; but there were several parcels passing backwards and forwards. However, that book represents nearly all the stations on the road, so that you can easily find out.

Mr. GEORGE LECKEY, sworn; Examined by Mr. Porter, q.c.

555. Where you employed about the election at Sainsfield on the day of the polling?—Yes.

556. What were you employed as?—I was in charge of the tally-room.

557. As tally-room clerk?—Well, I was a doorkeeper, like.

558. Was that in Lord Castlereagh's and Lord Hill's employ?—Yes.

559. Were you under Mr. Wellington Young?—I was.

560. Did you receive a parcel from the railway that day; I mean the day of the polling; a parcel of placards?—I am sure I did on that day.

561. Do you recollect the placards?—I do not; for as I got them I just handed them in, and I knew nothing more about them.

562. Do you mean to say you did not see the placards about the major's retirement on that day; the joke, you know?—No; I knew nothing about that.

563. You were not out of the tally-room?—No, I was about the rooms.

564. Did you give them to anybody to post them?—The railway official brought them to me. I signed for them, and gave them in to them.

565. To whom?—To them inside.

566. That is, Mr. Young and the others?—Mr. Young, and whoever might be there.

567. What did they do with them?—I do not know.

568. Did you see them opened at all?—No, I did not.

569. Were you out about Sainsfield the next day, or that evening, when the election was over?—I was, after the place was shut up.

570. Did you happen to look at any of the walls, to see if there were any placards on them?—There were placards stuck everywhere round the place.

571. You can read and write, I suppose, when you signed for this parcel?—I can read a little, not much.

572. This is very easy print to read (producing a placard). Did you see any placards like that on the evening of the election, or next day?—No, I did not.

573. Mr. Young, I believe, has not come here; did you see him here this morning?—I did not see him at all.

Mr. Baron Fitzgerald.] Does the hour of sending appear upon that book?

Mr. Moore.] The same train; the 1.15 train.

Mr. Justice Barry.] If that train took as long to come then as it did yesterday, I think they were rather late.

Mr. Porter.] They are not always so long coming as that.

Mr. Kirby.] Mr. Spiller said he saw the placards.

Mr. DANIEL FREDERICK SPILLER, re-called.

The Witness.] I thought the question I was asked was, when did I vote; I voted in time to catch the nine o'clock train, but I did not see the placards there.

574. Mr. Murphy.] When did you see them?—When I came down in the evening.

575. That is, at Bangor?—At Bangor, I was living in Bangor at the time.

Mr. THOMAS HOUSE, sworn; Examined by Mr. Murphy.

576. Do you act as land agent for the Marquis of Downshire?—Yes, as under agent and receiver.

577. Did you act as conducting agent for Lord Castlereagh and Lord Hill, at the Hillsborough district, at the late election?—Yes.

578. Did you give directions for the conduct of the election for other districts?—Yes; to some extent for Dromara, but not much.

579. The local agent there was Mr. Hart, I believe, in Dromara?—Yes; he did some election work.

580. Did you receive any money, prior to the day of polling, for the purpose of election expenses?—I really cannot say when I got the first remittance to a few days before the day of polling.

581. Did you, in point of fact, receive some prior to the day of polling?—I cannot remember.

582. Did you get anything prior to the day of polling; can you not remember that?—I cannot.

583. Were you the expense agent?—Yes.

584. Can you tell whether or not you got any money yourself prior to the day of polling?—I could tell in a moment by reference to the accounts I have here.

260—Sess. 2.

585. Kindly, now, have reference to that?—(After referring to book) Yes, I had a remittance on the 3rd April; at least, it went to credit; my banking account shows that.

586. For how much was that?—£1,000, on the 3rd April; it is put to the credit of my banking account.

587. Was there any more between that and the 7th?—No.

588. Was that, or any portion of it, dispersed between the 3rd and the 7th?—Yes; I made a remittance on the 3rd. I see, at least, I have one charged here on the 3rd, 700 I paid to the Northern Banking Company, which had been an amount handed to the returning officer to cover the candidate's expenses.

589. Were there any other sums to agents and persons?—On the 5th April, I see that I sent to the conducting agent a cheque for 50 l.

590. That is Mr. Finnigan?—Yes.

591. Was there any other money dispersed by yourself?—Not between the 3rd and the 5th.

592. The 5th and the 7th?—Not between the 5th and the 7th.

593. On the 7th?—On the 7th? no.

594. Whom did you instruct to engage the cart for the district?—I engaged some of them myself,

Mr. Leckey.  
18 June  
1890.

Mr. Spiller.

Mr. House.

Mr. Hewes.  
18 June  
1866.

myself, and some of them were engaged by the assistants who were connected with it.

595. Who were the assistants you gave instructions to to employ the cars?—I cannot say; I gave special instructions to anyone to engage any. I engaged nearly all of them myself. I think one of my assistants engaged a few cars.

596. Who was that?—His name was Vaughan.

597. Did Robert McBride engage any for you?—I could tell by reference to the orders, I cannot without; I think there was one McBride, and I think it would appear in this account.

598. Can you recollect a man named Robert McBride?—Yes, I think I can.

599. Mr. McDougall.] You can make it perfectly sure by reference?—Yes.

600. Mr. Murphy.] Do you know how many cars were employed in the district?—During the election?

601. Prior to the 7th, what was the account for the engagement of the cars?—I could not tell the whole amount incurred prior to the 7th.

602. You could not tell?—No, I could not; I could not tell from memory.

603. Can you by looking at any document; was there an account furnished to you?—Yes, I think I could.

604. Did you pay it?—It would not be in one separate account; it would be from separate persons, and it would be included in the same account with the conveyance of the voters on the day of the poll, the conveyances being supplied by the same person. It would come to me all in continuous accounts.

605. What was the amount for the car expenses for the conveyance of voters?—I could tell by reference to a book; I could not without.

606. Show me the book, please, I want to see it?—Is it for car hire and the amount of the money on the day of the poll?

607. Yes, just the same as Mr. Rainey gave us prior to and on the day of polling; what would you call the amount of the car expenses?—I see the conveyance of voters in the Hillsborough district, that would be on the day of the poll, was 108 l. odd.

608. What was the amount for car expenses or car hire prior to that day?—They are not separated here from some other heads of expense; agents, inspectors, and conveying, were classed together, and I would require a little time to separate them.

609. Very well; we must have that account separated?—The material is all here for it.

610. Let us see if we can get the material for it; it is difficult to get at them if they are mixed up with the others; have you the expense account of the preceding election?—There are three or four, and I will read them to you, and tell you approximately what they make.

611. Can you with tolerable accuracy give it?—Yes, I can. I see the payment of 1 l. 5 s., and a payment of 2 l. 6 s.; one of 6 l. 3 s., and one of 16 l. 16 s., and one of 4 l. 18 s. 6 d., and one of 14 l. 16 s., and one of 2 l. 13 s. 6 d., and one of 1 l. These are the sums roughly.

612. Do you know the names of the persons to whom these sums were paid?—Yes.

613. I suppose you can give them to us separately. Did you get the vouchers and the papers connected with the election expenses of 1878 from the sub-sheriff's office?—My messenger

got them; at least, I got them into my possession.

614. Where are they now?—About seven or eight months after the election I sent a messenger there to the sheriff's office for them, and they remained with me until the spring, and then I arranged them altogether again, and I took them to the Marquis of Londonderry's solicitor in London, who valued them, as a matter of account with me, and I delivered over the papers and books and left them in London, and I have never heard of them since.

615. Do you know the amount put down for car expenses in those accounts?—

Mr. McDougall.] We are not here to investigate the accounts of 1878.

Mr. Baron Fitzgerald.] We cannot investigate those accounts in this way.

Mr. Justice Barry.] He only knows it through the papers.

Mr. Murphy.] We have subpoenaed this gentleman to produce them.

Mr. Baron Fitzgerald.] He has answered the question, he has not the papers with the accounts supplied to him, he has handed them over to someone.

Mr. Justice Barry.] A still more important question than that is, the relevancy of it. I confess, as at present advised, I am not prepared to draw any inference one way or the other in respect to the expenses at the previous election, of which I know nothing.

Mr. Murphy.] The question will be as to whether they were employed at the last election, and as to whether they were paid.

Mr. Justice Barry.] Supposing a man was employed at the last election?

Mr. Murphy.] Do you know the names of the persons whose cars were employed?

Mr. McDougall.] Do not answer the question.

616. Mr. Murphy.] I mean at this election. Do you know the names of the persons who were employed at this election?—I do; at least, I know the names of the persons to whom I gave orders, and the persons who are entered on the face of this book as having demands.

617. Are these the only accounts that have come in for the car hire for the Hillsborough district?—Yes.

618. Have you others coming into you for the other districts?—Yes, for cars and other charges.

619. Were you in the booth on the day of polling?—I was.

620. At the Hillsborough polling station?—Yes.

621. Who was there with you?—I do not quite understand you.

622. Who were the others acting on behalf of Lord Castlereagh?—There were hooch agents.

623. What were the names?—Jackson was one, and Magorvey, and John Tate.

624. How many other persons were there there on behalf of Lord Hill and Lord Castlereagh?—Only one besides myself.

625. Who was that?—His name was James Scott.

626. Who was Mr. Scott?—He is a grocer in business generally.

627. In Hillsborough?—In Hillsborough.

628. In what capacity were you there yourself in the booth?—Holding an appointment as personation agent.

629. Do you recollect making any observation to

to the presiding officer as to the mode of marking the numbers on that day?—No, I do not.

630. Did you make any observation?—Yes, I did; I distinctly recollect an observation I did make, which it is possible may be the one referred to.

631. What was the observation you did make?—

632. Mr. Baron Fitzgerald.] Who was the presiding officer?—The presiding officer was William Tennant Henry, if it is the same thing that Counsel refers to.

633. He was the presiding officer?—There were three booths in Hillsborough, and he was in one of them.

634. Mr. Murphy.] Were you during the day, at different times, in each of the three booths?—I was in all three.

635. You did make an observation in the booth at which Mr. Henry was the presiding officer?—I did.

636. Do you know Mr. John Gilmore, a voter?—I cannot say I know him.

637. John Gilmore, of Ballyarravounnagh?—I do not know the particular man; I am not sure he is not here; I think that the man here is the name of Gilmore.

638. Was he in the booth where Mr. Henry was, where you made any observation?—I cannot recollect that he was.

639. What was the observation you made?—Mr. Henry, as presiding officer, was using a small stamping instrument, as it is called; I think the letter B was on the stamping instrument; each voting paper is, or should be, stamped with that instrument. Mr. Henry was a little hurried. I said to him, "Mr. Henry, will you be good enough to stamp the papers so as not to allow the stamping instrument to deface the name of 'Hill,' which is a short name?" He was so using it, that when he fixed it on the paper it directly acted on the letters of the word "Hill." I meant to convey that it might make the word so that electors could not understand it, or pick it up easily on the paper. He said "Certainly, at once," and he changed the stamping instrument, and used it on another part of the paper.

640. Was that the only observation you made in reference to the marking of the figures or numbers on that day?—That is the only one that I can recollect.

641. You did not at any time call upon the presiding officer to mark the numbers plainly?—Certainly not.

642. And did not say anything about the importance of it, that you might know them again?—Certainly not.

643. Who were the other impersonation agents in the three booths?—Scott and myself; I think we were the only two impersonation agents acting there in the three booths during the day.

644. How many agents were there in each booth, independently of you two for Lord Hill and Lord Castlereagh?—A booth agent for Lord Hill and Lord Castlereagh, and no more, I think.

645. Did you make use of the observation you mention, as to the stamping instrument, in more than one booth?—No.

646. Or did you make use of it more than once in the same booth?—I think only once in the booth, and Mr. Henry corrected the slight injury, and removed the stamping operation to another part of the paper at once.

647. I want you to give me Mr. Henry's Christian name?—William Tennant Henry.

648. As to the cars you engaged yourself, did you know them to be voter's cars?—No.

649. Did you know whether they were or not? No; I gave orders to different men.

650. Never mind that; I am asking you as to the cars you engaged yourself; you said you engaged a great many yourself?—Yes.

651. About how many in number did you engage yourself?—I daresay 60 or 70, but not from 60 or 70 different persons.

652. How do you mean; were there 60 or 70 cars, on the day of the poll or prior?—I refer to the day of polling.

653. Prior to that had you not engaged a good number canvassing and for other things?—Not very many in Hillsborough; the canvassers did their work without cars, as a rule.

654. There were some engaged?—Yes, there were some.

655. Of the 60 or 70 on the day of the polling, how many persons about supplied these cars?—I daresay 25 or 30.

656. You have the names of those persons?—I have the names of the persons to whom I gave the orders.

657. The owners of the cars and the persons who supplied the cars?—I have the names of the persons to whom I gave the orders to get the cars; I do not know where they got them.

658. When you gave the orders to the persons to get the cars, were they to supply their own cars or were they to get them from other persons?—I did not ask them that.

659. Were those persons voters to whom you gave the orders to supply the cars?—Some of them were and some of them were not.

660. You could not tell how many of the number were voters?—I should say—

Mr. Justice Barry.] Under what head does this come?

Mr. Murphy.] Under persons who were employed and who were voters.

Mr. Justice Barry.] Do you mean the persons who had the cars?

Mr. Murphy.] Yes, my Lord.

Mr. Justice Barry.] Has it not been held that car owners are not agents?

Mr. Murphy.] But they were voters.

Mr. Justice Barry.] You ask who were the persons employed.

661. Mr. Baron Fitzgerald.] I do not know whether I rightly understood what the witness says; the persons of whom he is speaking are the persons to whom he gave orders to provide cars; not giving them the order as car owners, but leaving it to them to find the cars?—Some are car owners. I gave the order to some to get the cars where they could, in order to bring the voters from the different districts. The Hillsborough polling district is the largest except one, and extends for four miles on one side and for five or six miles on the other side.

662. Mr. Justice Barry.] Where you gave the orders in that way was the person to be paid anything for the day, or were the car owners whom he provided to be paid?—Suppose I ordered five cars, if he brought me an account for five sums of 25 s., I would hand him a cheque for the amount.

663. That being the tariff?—That being the fixed price arranged.

Q 2

664. Mr.

Mr. Meuca.

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664. Mr. Murphy.] Now, as to the persons to whom you gave orders to supply cars. When you say car owners, do you mean persons who regularly kept cars in the town for hire, or were they voters who you supposed might have cars?—They were always mixed. A great many were supplied. I know nearly all the cars in the town were taken. We heard some talk immediately before the election that car owners in some districts intended to make a strike, and say that 25 c. was not enough, and that probably we should not be able to take the voters to the poll at all; so I had to take means to provide cars.

665. You say the district is a large one?—It is large; there are nearly 1,000 electors; and it runs as much as six or seven miles one side of Hillsborough and four miles the other.

666. How many of the persons to whom you gave orders were persons who were car owners in the town, who you would know very well as keeping cars for hire?—As to the car owners in the town of Hillsborough who usually kept cars for hire, all their cars were taken, I happen to know.

667. How many would that be?—The persons who would regularly keep them would be four or five in the town, and all were taken.

668. How many out of the number did they supply?—They supplied all their own, and I think they borrowed from their neighbours as well, and borrowed horses.

669. You can give me an account of what you paid to these car owners?—I could tell the car owners in Hillsborough, and I could tell from whom they were supplied.

670. Can you give the names of the persons when you employed to engage cars?—I can.

671. A good many you employed yourself?—I employed them nearly all myself.

672. Did you employ voters to supply cars?—Yes; some of those to whom I gave orders were voters.

673. You gave the order, not knowing whether they had the cars themselves or whether they were to get them from others?—No.

674. These were the men you paid, not knowing where they got the cars from?—Yes; they supplied the cars and I paid for them.

675. You can give me the names of those persons?—I can.

676. Can you give them to me now?—I can.

677. Then I am anxious to have them?—Thomas McCoy.

678. Is he a farmer?—He is.

679. How many did he supply to you?—I gave him an order for two.

680. Did you know whether they were his own or not?—I have means of knowing since that, they were not his own; I think he took them in Lisburn, and I paid for them there.

681. It was to him you gave the order to supply them?—It was to Thomas McCoy I gave the order.

682. Use you to give tickets that they should have?—Yes; these are the counterfoils (producing a bundle of documents).

683. Does this contain the accounts?—Yes.

684. "R. Murdock, seven cars"?—Yes.

685. Is he a farmer?—Yes.

686. Is he a voter?—I believe he is.

687. These were all on the day of polling?—Those are, I think, on the day of polling.

688. "William Harvey, ten cars"?—Yes; he is a farmer, contractor, and a man of business.

689. He is not a car owner in the town, nor does he hire cars out?—He lives six miles from Hillsborough.

690. "Mr. Joseph Gilland, seven cars"; is he a farmer?—He is a farmer.

691. Is he a voter?—I think he is.

692. I think I asked you whether Murdock was a voter?—I think he is.

693. Andrew Murrow; how many had he?—Two cars.

694. Is he a voter?—He is a voter. I think those two cars were paid for in Belfast, as I think he took them there.

695. You gave him the order?—I gave him the order.

696. It was to him you paid the money?—No; I think I paid the sum in Belfast direct. I think the man sent me his account, but I think I sent the order to Truro.

697. Did you pay Truro yourself?—I think it is the same two cars.

698. Are you sure about that?—I think it is so; but it is difficult to say among so many.

699. Mr. McBride?—That is the man you referred to.

700. Is that Robert McBride?—If it is not, I do not know him.

701. Is he a voter?—I do not know.

702. Is that McBride on the Crossland?—If it is, I think it is likely he is a voter.

703. Six cars?—Yes.

704. You do not know where he employed them?—I do not know anything about them; I do not think he has furnished an account for them, I do not think he has.

705. You have here, "The account not furnished"; of course he was to be paid for them?—It was understood he was to be paid, of course, if he supplied them.

706. Mr. Shannon; who is he?—He is a farmer.

707. And a voter?—I think he is.

708. Five cars?—Yes; I do not think he is paid, but I am not sure.

709. He is "not furnished"; W. J. Shannon, "not paid yet"; what is he to the other?—I do not know.

710. He is a voter, is he not?—I do not know.

711. "To Mr. Hamilton, of Cleagher"; two cars, I suppose, too?—Yes, it is.

712. What is Mr. Hamilton's Christian name, do you know?—I cannot remember.

713. He is a voter?—I think he is.

714. "Mr. McCullay, two cars"?—Yes.

715. Is he a voter?—Yes, he is.

716. Is that Richard McCullay?—It is.

717. William Gardiner?—Yes.

718. Two cars?—I think I paid those cars to someone residing in Lisburn.

719. It says, "in account, No. 60," whatever it refers to?—It would be that he went to Lisburn, and took them from some carowners where there are 15 or 20 cars working every day. He engaged them there, and they would come in through that man's account.

720. It was to him you gave the order for two cars; to William Gardiner?—It was.

721. Mr. Crory; is he a voter?—I am not sure.

722. Five cars; you know who he is?—I know him.

723. The account is not furnished?—Not yet.

724. Mr.

724. Mr. Johnson, two cars; that account is not furnished yet?—I dare say not.

725. He is a voter?—I do not remember now who he is at all.

726. Is it Walter E. Johnson?—Yes; I know him now.

727. He is a voter?—Yes.

728. Two cars?—Yes.

729. W. C. Jones, three cars?—Yes.

730. That account is not furnished yet?—No, I think not.

731. He is a voter?—I think he is.

732. James Campbell, junior; that is in account No. 45; two cars?—Yes.

733. Has he a vote?—I think he has not.

734. John McGowan, three or five cars, I do not know which; is he a voter?—I think he is.

735. Is he a farmer?—He is a farmer, and has a flax-stretcher's business.

736. John Walker; you have five cars and altered to four; "see the letter of 3rd April 1890." Have you that letter, or what is it in reference to the 3rd April?—I think it is very probable I would not have it.

737. Is John Walker a voter?—I think he is.

738. And a farmer?—He is a manufacturer, and farms a little.

739. He is not a car owner?—It is difficult for me to know.

740. Mr. William Fowler, who is he? two cars?—I think he is since dead.

741. Was he a voter?—He was, I think.

742. And a farmer?—I think so.

743. Then, Hugh Gordon, one car?—Not ordered by me, nor was I consulted, and "account not furnished."

744. Joseph Thompson?—Not ordered by me.

745. Who is Joseph Thompson, four cars, polling-day only; who filled up these blocks. Mr. James Ball. Who is Joseph Gibson?—Joseph Gibson is a farmer, a voter, and a publican, and what I dare say you would call a car owner.

746. Who was Mr. James Ball?—I think a voter.

747. Is he a farmer?—Yes.

748. Joseph McCullish, two cars?—He is a farmer and publican.

749. John Finley, four cars for the 5th April; these are a great many; is he a farmer?—No; I think he is neither a farmer nor a voter, so far as I remember.

750. Samuel Brown, two cars?—I think those cars were not ordered from Brown.

751. Is Ballysahinch account paid? W. Ellis; "in another account paid in Ballysahinch"?—Possibly it might be so; many of them went there.

752. How do these blocks come into your books, 19 and 20; you say they were not ordered by you?—Two blocks, 19 and 20; if I did not order them I did not pay them; "not ordered by me, and not furnished."

753. How is it there comes to be an entry, and in whose handwriting is the entry?—The entry is by Mr. Vaughan, who I mentioned at first was about the committee-room and connected with the election; he may have ordered them when I was not there.

754. Do you know the names of the persons from whom they were ordered; are they voters?—I am not sure about Hugh Jordan; I think Joseph Thompson is a voter.

755. Is he a farmer?—Yes, I know that.

756. Did you give any directions with respect

to any district as to the mode in which the cars should be employed, and as to the persons having tickets, to see that a man should be only employed one day or two days?—There were polling-day tickets, and they could not be any day but that one.

757. Did you for any other days give directions to have tickets of that kind issued?—No; I do not think these tickets, or very few of them, are for other days. There might be a few, and I think those were had from persons in Lisburn; the canvassers canvassed the district, as a rule, without cars at all.

758. Did you give any directions to persons as to having tickets given to carmen to produce, showing the time they were occupied or employed in the canvassing or the conveyance of voters?—Yes; I was very particular to give orders so far as possible, to prevent any persons claiming afterwards who had not been engaged.

759. Did you give a form of ticket, or direct a form of ticket to be issued?—I gave the counter-foil of those you have.

760. Were they in the other district as well as Hillsborough?—I did not go out of Hillsborough, but there were such orders through other districts, I know, through the orders having come to me with the accounts.

761. Were they similar tickets to these?—They were.

762. I want to know whether that mode was adopted generally throughout the county?—Yes; it was very much used, in order to check the charges made for cars afterwards.

#### Cross-examined by Mr. Moore.

763. This district you have told us of, Hillsborough, is very wide, and you have told us the dimensions of it?—Yes, very wide indeed.

764. I suppose a very large staff was necessary, as most of the voters in that district are supporters of Lord Hill and Lord Castlereagh?—Yes, five-sixths of them.

765. Therefore, it was of great importance that they should be brought in?—Certainly.

766. There were some 1,000 voters in that district?—Very nearly 1,000 voters.

767. You say, in many instances you gave the orders direct to the parties themselves to supply the cars?—Yes, in a great many instances, those who were near; they were living across the street some of them, and we took up all those before we passed to take others.

768. Hillsborough is not a very large place of itself?—A town of 500 or 600 inhabitants, so far as I can remember.

769. Of course, the mere number of cars supplied by car owners would not be nearly sufficient to provide the necessary accommodation?—The hotel was closed at that time; they had no post boxes there whatever. As any time there were but six to eight horses; there was none there at that time except one.

770. As to the persons to whom you gave orders, who had not the cars themselves, but to provide cars, were any of them acting with you in canvassing?—Yes, they were assisting in every way they could.

771. Were they acting unpaid?—They were quite unpaid, with the exception of the cars furnished.

772. Were there arrangements made throughout the district in which you were that the

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respectable tenant farmers should act in canvassing their neighbours, and do all that voluntarily and gratuitously?—Yes.

773. Was there an arrangement that none should be paid?—There was a distinct arrangement that none of them would be paid, and they had not been in the previous election; they did it quite gratuitously.

774. Mr. Justice *Barry*.] You say, I think, that they had not been paid in the previous election?—They had not been paid in the previous election.

775. Mr. *Munroe*.] Under the circumstances in which they supplied the cars themselves they would get the 25s. which was the recognised sum for the day?—If it was a car of their own.

776. Were they paid for their services in pro-

viding cars, or did they do that gratuitously?—They did that gratuitously; I know that they did not get any profit. I know that the persons who have not yet furnished accounts have been asking me for money, and I have referred them to those persons I gave the orders to.

777. You know of no one to whom you gave directions getting anything except the sum he had dispensed for the car?—I do not know of any instance.

778. Were you guilty of intimidation during the course of this election?—No.

Mr. *Murphy*.] I did not put such a question.

Mr. *Munroe*.] He is in the list.

[Adjourned for a short time.

Mr. WELLINGTON YOUNG, sworn; Examined by Mr. *Porter*.

Mr. *Young*.

779. Were you representing Lords Castlereagh and Hill in Licham on the day of polling?—I was.

780. In what capacity?—I was district conducting agent.

781. On the day of the poll did you receive from Fionigan a parcel of placards?—I do not know where they came from; I received a number of placards.

782. Did they come in a parcel from the railway?—I did not see the parcel.

783. Did you see the placards?—I saw one of them; one of them was brought to me where I was.

784. And they were afterwards put up?—I did not see any of them put up; I do not know whether they were put up or not.

785. Were you there as conducting agent?—I was.

786. Who showed you the placard?—I do not know; some man; I believe a man out of the tally-room.

787. What man?—I cannot tell you.

788. Was it the agent of Mr. Crawford?—No, it was not.

789. That is the one I mean: "Retirement of Major Crawford," who was it that gave you that?—It was some person employed in the tally-rooms for the Conservative candidates, no doubt of it.

790. What time of day was it?—I think it was about two o'clock.

791. Where did it come from?—I cannot tell you; I was laughing at the time, and he brought it into the room to me; I never saw it afterwards.

792. Did you say anything about it or he to you?—He said he had got this bill.

793. To post?—He did not say what it was for.

794. Did he tell you how many there were?—He did not.

795. Did he tell you there were any more?—He did not.

796. You knew perfectly well?—I did not.

797. Was it not brought to you as a bill that had come from the office in Lombard-street?—It was not; I did not know where it came from.

798. Did you direct it not to be posted?—I did not.

799. Did you know it was going to be posted; did you know it was not posted?—I did not.

800. Did you see it?—I did not.

801. Did anyone tell you it was posted?—Some person, I think it was Dr. Gordon, objected to the posting of it.

802. In your presence; that is, objected to its having been posted?—No; objected to the pasting of it, and there was some disturbance about it.

803. Was Dr. Gordon in Lord Castlereagh's interest?—No.

804. Then it was in Major Crawford's interest that he objected?—It was.

805. He had not been in your tally-rooms?—No.

806. Then he must have seen it outside?—I am not aware where he saw it.

807. When you saw the bill did you believe Major Crawford had retired?—

Mr. *Macdonough*.] His belief is not evidence.

808. Mr. *Murphy*.] It is, certainly?—Well, I did not form any opinion; I did not know anything about it.

809. Mr. *Porter*.] Do you say that?—I say I knew nothing about it; the bill was presented to me there, and that is all I know about it.

810. Did you take any steps not to have it posted?—No steps.

811. What became of the bill?—I sent it back again.

812. To whom?—To the man who brought it.

813. To give it to the man who brought it is one thing; where did you send it to is the question?—Back to the place he brought it from, which I presume was the tally-room.

814. What did you say to Dr. Gordon?—I did not speak to him upon the subject.

815. What did he say to you?—He did not speak to me upon the subject.

816. In your presence?—He did not.

817. What do you mean by saying he came and complained about it?—I did not; I say there was a complaint made that Dr. Gordon had objected about these bills; that is all.

818. When that complaint was made what did you say?—I said nothing.

819. Nothing at all? You gave no directions whatever?—No directions whatever.

Cross-examined by Mr. *Kisbey*.

820. You were managing in the district for Lord Arthur Hill and Lord Castlereagh?—Yes.

821. Did



821. Did you know of the arrangements that had been made with various persons who were acting for them as canvassers and in other capacities?—Excepting the arrangements I made myself, I did not know of any other arrangements.

822. Was there any arrangement in respect to their acting without payment, the canvassers?—I arranged to pay no canvassers.

823. And in respect to any other person, were there any similar arrangements made?—I arranged to pay no persons.

824. Were there many persons, in point of fact, canvassing there who canvassed as volunteers?—Yes; I was not aware of any canvassing being paid in that district.

RICHARD LYNN, sworn; Examined by Mr. Murphy.

831. Do you reside at Banbridge, or near it?—Yes, at Banbridge.

832. Had you charge of the engagement of cars for Lords Hill and Castleknock during the recent election?—Mainly, I had.

833. From whom did you get the orders?—From the conducting agent at Banbridge.

834. Who was he?—Messrs. McClelland & Card, solicitors.

835. Had you anything else to do except with reference to the engagement or employment of cars for the canvassers and for the voters to the poll on the day of polling?—I had charge of the committee-rooms.

836. When did you first commence to employ cars?—On the 17th March.

837. You continued to employ them to the day of polling?—Yes.

838. Did you show the tickets to the persons from whom you engaged the cars?—Yes.

839. Did you keep blocks of these tickets?—Yes.

840. Have you got the blocks?—I have not.

841. What did you do with them?—I left them in the rooms; in the committee-rooms.

842. You kept the blocks in order to keep an account?—Certainly.

843. And to keep an accurate account of those who were employed?—Yes.

844. And you entered on the blocks, I suppose, the names of the persons whom you employed, and the number of cars?—Yes.

845. Did you make out then the accurate account of the cars you employed?—The parties we employed made out the accounts, and then we checked them.

846. When did you check them?—After the election.

847. Was it by means of the blocks you would check them?—Yes; each car owner, or each party we employed, returned the order.

848. Had not you the blocks to see that the order corresponded?—Yes, certainly.

849. On what day had you the blocks last that you were checking the accounts?—Well, I do not know; there was an order came to check the accounts.

850. And you checked the accounts?—Yes, in company with the checking agents.

851. Where?—In the committee-rooms.

852. At Banbridge?—Yes.

853. To whom did you give the blocks then to check the accounts?—They were returned to the box, from which they originally came in the committee-room.

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Re-examined by Mr. Porter.

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855. Did you make any payments yourself at all?—I did not.

856. So that any one who was paid was not paid, of course, through you?—The accounts came into me, and I vouched them.

857. Were you at Saintfield before the day of polling?—I was, several days.

858. Were you staying there?—I was not.

859. Did you employ the canvassers?—I did not.

860. Mr. Kirby.] Was any statement made by you to the canvassers with reference to the way they were to be paid, or not?—There was not.

861. The box, I suppose, is in charge of the solicitors I have mentioned?—Yes, I presume so.

862. And you left them there?—Yes.

863. Could you tell me, now, about in what month you saw these last; was it in the month of May?—Well, I saw them many times; I do not know exactly what date; I saw them, there is no mystery about that.

864. What was the whole amount?—I do not know, because I had nothing to do with that.

865. You saw them made up, and you checked the accounts; can you come within 50% of it?—About 100%, I should think.

866. About 100%?—Well, it may be more; I really do not know, because I had nothing to do with the totting up of the accounts; I had only to check the individual accounts, and to make them up.

867. Have you got any form of order or ticket you gave to the persons whose cars were employed?—No.

868. Did any canvassers, to your knowledge, engage any other cars than you engaged?—The cars were engaged by the committee; I had nothing to do with that.

869. Did you employ from any one man cars for several days?—Yes.

870. And employed from some, I suppose, more than one car per day?—Oh, yes.

871. How many were the persons altogether, do you know, from whom you employed cars?—I think there are nine car owners in Banbridge; out of those nine we engaged eight, I think.

872. Are those persons who are car owners, and who keep cars for hire?—Certainly.

873. How many did you engage from those eight persons?—About 19 cars.

874. What payment was to be given for the 19 cars; was it 12 s. 6d. each?—£. 1. for days not the election day.

875. And for the election day, 1 l. 5 s.?—Yes.

876. So that, I suppose, the numbers of cars engaged came to about 19 l. from those?—I do not understand your question.

877. Did you engage 19 cars for several days from those eight persons?—Well, some days they were not engaged at all.

878. But I mean did the whole amount of the account owing to those eight persons come to something over 19 l.?—There was no one individual account that came to 19 l.

879. How much did the whole of these eight accounts come to, do you know?—I could not say.

880. How many voters did you employ to furnish

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furnish cars?—I had no idea whether they were voters or not; it was irrespective of that altogether.

874. Do you know a man of the name of David Allen?—I do not.

875. Do you know a man of the name of Joseph Anderson?—I do.

876. Did you employ any cars from him?—No.

877. You say that the committee employed the cars of persons who were out in the country districts?—Yes.

878. And you do not know how many these were?—I think, about six cars.

879. Did you know the persons from who they were employed?—No; I do not remember, I could not name them just now.

880. Are Messrs. McClellan and Card here; I want to ask for those vouchers?—

Mr. Card.] I have not them with me, but I can bring them; I received only an ordinary subpoena.

Mr. Moscos.] You may as well subpoena all the solicitors in Banbridge.

881. Mr. Murphy.] There is a subpoena to produce all documents in connection with this matter. (To the Witness.) Do you know a man of the name of John Bell?—I do.

882. Did you engage any car from him?—I did.

883. How many?—One.

884. Is he a farmer?—No; he is a car owner.

885. In Banbridge?—Yes.

886. James Brown; do you know him?—I do.

887. Did you engage any from him?—He was engaged by the committee, I think.

888. Is he a car owner?—No, he is a carter; you might call him a car owner, I suppose; he is employed by the workhouse in conveying patients to the hospital, and, I suppose, he may be considered a car owner in that respect.

889. You never know him engaged in supplying post cars?—No.

890. Do you know yourself how long Brown was employed?—One day.

891. Do you know Joseph Davidson?—Yes.

892. Is he a farmer?—No.

893. Is he a car owner?—No.

894. What is he?—He was a shop-keeper.

895. He is a voter?—Yes.

896. Did you engage any cars from him?—No; he has no cars.

897. Was he employed at all to supply cars?—No; he did not supply cars at all.

898. Did you employ him at all for any purpose whatsoever?—No.

899. And you did not know him to act in any capacity in the election?—I have seen him about the committee-rooms; that is all I know about him.

900. William Gillespie; did you engage any car from him?—No.

901. Thomas Hawthorne?—No.

902. William Henry?—No.

903. Crawford Holts?—No.

904. James Hutchinson, senior and junior?—From the senior we had a break on the day of the election and one day previous.

905. What is he?—He is a shopkeeper and house furnisher, and undertaker.

906. He undertook the carrying of voters on this occasion?—He does carry people, because he keeps a break for the purpose of letting.

907. Is Joseph Hillis Hutchinson his son?—Yes.

908. Now the two Lindays, Robert, senior and junior?—I do not know anything about them.

909. You do not know of any employment of any cars from them?—No; they may have been employed.

910. But not through you?—Not through me.

911. Richard Linn?—That is myself.

912. What payment were you to get for your work?—I did not get any payment.

913. But were you to get any?—I was neither offered, nor did I ask payment.

914. But were you to get any?—I was not to get any; I was neither offered, nor did I ask for any.

915. Were you employed and paid for that work in the same capacity in the election of 1878?—

Mr. Macdonagh.] I object.

Mr. Murphy.] I submit, my Lord, that I am at liberty to ask him that question.

Mr. Baron Fitzgerald.] There can be no objection if it is asked, as it is practically asked, to the credit of a witness, to a certain extent, whom you are cross-examining. He says he neither asked nor was offered payment. Then you ask, and I think it is fairly a question going to credit, whether he did in 1878.

916. Mr. Murphy.] Yes, my Lord; every one knows we must treat this as cross-examination. (To the Witness.) Now, were you employed in the same capacity in the election of 1878?—I never was employed before.

917. Who employed you on this election?—The local committee.

918. What was your ordinary business?—A provision merchant; I am out of business at present.

919. Was it one person who engaged you, or the committee?—The local committee; it was proposed and seconded that I should take charge of the committee rooms and be car inspector.

920. Were you present when that was proposed and seconded?—I was.

921. And no reference whatsoever was made as to any payment?—There was not.

922. And you do not intend to get any?—Well, I might have very good intentions, but I did not get anything, and I do not ask anything.

923. Do you intend to ask?—I do not intend to ask.

924. Robert Lusk, he has a car, do you know him?—I think I have seen the man.

925. You did not engage Charles McLaughlin?—No.

926. James McMahon?—No.

927. Hugh McGaw?—I engaged a car that afterwards turned out to be his car.

928. Did you pay McGaw for it?—He was paid, I believe.

929. Is he a car proprietor?—He is a shop-keeper at Banbridge.

930. Gore Mervyn, do you know him?—I had nothing to do with him.

931. Then you do not know whether his cars were employed?—He has no cars at all.

Mr. Justice Barry.] Really, Mr. Murphy, we are going into a very lengthened inquiry about

about the names of individuals. There is no charge in the petition of bribery or of colourable employment. The only averment in the petition under which this class of evidence can range would be that of paid agents voting; and do you propose to contend, as a matter of law, that a man whose car is hired becomes a paid agent within the meaning of the statute?

Mr. Murphy.] I will put regular car owners out of the question altogether; but I contend that a farmer who is given a certain sum of money for the engagement of his cars, or in consideration of his procuring cars on the day of the election, or for the purpose of the election, is in employment, and he is retained for reward, and cannot vote.

Mr. Justice Barry.] You have mixed up two persons; one who procures cars, and one whose car is procured. Let us take the latter case. A farmer has a horse and car; the posting establishments of the districts are perfectly insufficient to bring up the voters; do you contend that in point of law a man whose car is engaged and is paid for at a reasonable tariff becomes a paid agent within the meaning of the statute, so as to avoid his vote?

Mr. Murphy.] I do, my Lord.

Mr. Justice Barry.] It would require a good deal of authority as at present advised, and I consider we ought to have that question of law considered before we get into the inquiry.

Mr. Macdonagh.] I think so.

Mr. Murphy.] At present, in consequence of the evidence of Mr. Howe, we are not able to distinguish between the two cases: the man who is told that he will get a sum of money provided he procures cars, and the man who is literally hired by the day; but, with regard to the distinction that your Lordship has drawn, the man who supplies cars, and the one who procures others to place their cars at the disposal of the committee, I respectfully submit in either case the party is not entitled to vote.

Mr. Macdonagh.] The doctrine of agency has been carried too far, and it has been lamented.

Mr. Murphy.] I really do not see what the question of agency has to do with this case.

Mr. Macdonagh.] Has it nothing to do with your point of paid agents? The doctrine of agency, I say, is involved in your proposition, that you want to convert a man employed upon a certain tariff into a paid agent, when it is known to be utterly impossible in this vast county to get sufficient cars, and to thereby incapacitate him from voting. There was a strike amongst some of these carmen, and the parties engaged with individuals at a fixed tariff of so much per head, which was less prior to the day of the polling, and an increased charge on the day of the polling, because the work done is of course considerably more on that day; and then, because you say to particular persons, "Will you try to get cars?" and it is sworn by Mr. Howe that he knew of no instance in which the person so employed received any profit or payment for

himself (Mr. Howe, the expense agent, swears that positively), we are to be told that a person contesting a county or borough is to be fixed with liability of this sort. I was astonished when my friend Mr. Murphy thought fit to open a case of colourable employment of voters yesterday, as though there was such a case before the Court at all; but I did not wish to interrupt. He is now attempting to follow the same course, and it is necessary to have the question of law decided. This petition is a very simple and a very short one; there is no bribery, and no colourable employment to constitute bribery, so as to void the election; there is no treating, and no bribery, and no fraudulent persuasion; nothing of the kind but this charge of intimidation which is sought to be made out by newspaper writers. It is really, I say, trying this case upon newspaper law. My Lords, upon this particular part of the case I do hope the Court will put a stop to the inquiry, which is really beside the case. See what the result would be if this went on; we should have to call every single human being who was employed in the matter of cars to show that he derived no profit, in addition to the evidence of Mr. Howe, and I really do not know when it will terminate. Here we see upon simple inquiries, who were our paid agents? What voters were paid agents? None.

Mr. Murphy.] I most respectfully contend that under Section 25 the votes of such persons as your Lordship has mentioned should be struck off. The section says, "Where a candidate, on the trial of an election petition," &c. (reading to the words "be struck off.") The words of that section are very wide, and obviously they include any person who is employed for any purposes of the election as agent or as clerk. If he is employed as clerk, or messenger, or in any like employment; if he is employed for the purpose of supplying a car for the conveyance of voters to the poll, is not it just a similar employment to that of a messenger?

Mr. Justice Barry.] The printer who prints the ordinary election placards and addresses of the candidates is equally employed for the purpose of the election.

Mr. Murphy.] He is employed in his own trade or calling, and that is a great distinction; but with respect to persons who see our cars, I may go to them and engage cars from people who usually supply posting cars, or to other persons in the neighbourhood. But it is a totally distinct case where you get farmers or other persons who never have been accustomed hitherto to let out cars for hire, and when they themselves in some cases become the drivers, in others their sons become the drivers, for the purpose of earning 1*l.* or 1*l.* 5*s.* at the election; I contend that that is an employment such as is prohibited by Section 25, which provides that no voter engaged in that way shall be entitled to have his vote counted; and it is the obvious meaning, I respectfully submit, of the statute as which I have referred. It has been considered as carefully as the case could be considered by very distinguished lawyers.

R. LYNN.  
18 June  
1880.

R. Lyon.  
18 JUNE  
1868.

Mr. Baron Fitzgerald.] Do you wish to say anything upon this, Mr. Porter, because I cannot understand how this can be an employment for hire within the meaning of the statute.

Mr. Porter.] Of course we must take this matter by steps. Those gentlemen examined up to the present time are only the agents who have acted in the employment of the cars. This gentleman says he only employed cars in the town of Banbridge. We shall have to call persons who owned cars, and get the evidence from them. We do not know that this gentleman's employment of cars was limited to the town of Banbridge. Upon the section of the Act of Parliament in reference to which this matter has been brought before the Court, it is important to observe that the section of the Ballot Act to which my friend has referred is in part a re-enactment of the 11th section of the Representation of the People's Act (30 & 31 Vict. c. 102), which contained a somewhat similar clause, but one with a very important difference. It is this: "No elector within six months before," &c. (reading the section to the word "misdemeanor").

Mr. Baron Fitzgerald.] The object of this section is, that it shall not be necessary to have an inquiry other than as to the fact that he did vote.

Mr. Porter.] That is one object; but when you come to consider the section of the Ballot Act under which we consider we are entitled to have the votes struck off, the word "like" is admitted. "It is not those who have been employed," &c. (reading to the words "or any other like employment"), but it is "those who have been employed," &c. (reading to the words "any other employment"), omitting the word "like." The penalty is not that the individual shall have incurred the consequence of a misdemeanor, and it is not to avoid the election, but it merely amounts to this, that anyone who has been employed for or about the election cannot vote; and if he does, his vote comes off the list of persons entitled to vote.

Mr. Justice Barry.] Must not the employment mentioned in Section 25 of the Ballot Act be the same employment mentioned in Section 11 of the Parliamentary Elections Act?

Mr. Murphy.] I think not.

Mr. Justice Barry.] It says it shall be construed as one with the Parliamentary Elections Act, 1868.

Mr. Porter.] The 11th section is the one creating the misdemeanor, and this, although it is to be read along with it, makes an obvious distinction between a person employed in any other like employment and a person employed in any other employment. When you find that section omits the word "like," it clearly shows that the omission was intentional.

Mr. Baron Fitzgerald.] If you undertake to prove that these employments were for reward, I should not wish to cut you short.

Mr. Porter.] That is what we do undertake to prove.

Mr. Baron Fitzgerald.] You have not yet.

Mr. Porter.] On Mr. Howe's evidence I submit there is something, but we will carry it further by further evidence.

Mr. Baron Fitzgerald.] The substance of Mr. Howe's evidence was this: they fixed a sum which was to be allowed for cars for the day. I really do not know whether he made a distinction between the 1 l. and the 1 l. 5 s. for the day of the election.

Mr. Moser.] He did, my Lord.

Mr. Baron Fitzgerald.] That might have left it open to persons employing other carmen, if they could make a bargain with those other carmen to ply their cars for less than 1 l. or 1 l. 5 s. a day to make a profit out of it. If that were so, it would appear to me to come rather under bribery than agency; but, even if it did, there is no *prima facie* evidence that those persons acted for reward.

Mr. Porter.] We have not as yet, my Lord.

Mr. Baron Fitzgerald.] Well, if you undertake to say that you are going to give evidence of that kind, I will not cut you short.

Mr. Porter.] In reference to the hire of cabs or cars, even from regular cab owners, the matter was considered under the former Act, but not under the later one, and judgment was given by Mr. Justice Willes upon it in the Southampton case; but it is only the judgment of one judge; and, I think, even in the case of regular car owners whose cars were employed for the purpose of the election, he held that they did come within the meaning of the words of the later Act, although he held they did not come within the words of the former Act.

Mr. Baron Fitzgerald.] If you give us evidence which satisfies us that this was done for reward, we should have to consider whether this was not illegal, because they were employed to hire the cars. If they were employed for a profit, it would appear to me to come rather within the case of bribery; but I do not think you ought to be shut out from it altogether; therefore, you had better go on with it.

Mr. Porter.] We believe that we shall give you numbers of cases of this kind. A private farmer, who does not hire cars, was paid for his car on the polling day for the purposes of the election, and not as an ordinary car-driver.

Mr. Baron Fitzgerald.] It would be a very little waste of time, unless you are prepared to do something of that kind, but if you think you are, I do not think we ought to shut you out.

832. Mr. Murphy.] Now, will you tell me, did you employ the cars of any farmers at all about Banbridge?—I do not remember.

833. Do you know they were employed?—Yes.

834. And do you know they were paid?—I do not know they were paid.

835. Mr. Baron Fitzgerald.] Were you a member of this committee yourself?—Yes.

836. Mr. Murphy.] Do you know Thomas Smeddin?—I do not.

837. Henry Templeton?—Yes.

838. Is he a farmer?—He is a shopkeeper.

839. Did

938. Did you employ his car?—He does not own cars.

940. But did he supply a car?—He did not.

941. Francis Urey?—I know him.

942. Was Henry Templeton employed about the election at all to your knowledge?—I do not know. I think he was employed on the day of the polling; I am not quite certain.

943. As what?—I do not know.

944. Where did you see him on the day of the polling?—I saw him about the court-house.

945. Did you know him to be a canvasser?—No.

946. Or a check clerk on the day of the polling?—No.

947. Now, with regard to Francis Urey; did you have any cars from him?—I do not know of any. He is a farmer.

948. David Watson?—I think I know him; he is a farmer also.

949. You had no cars from him?—No.

950. Henry Williams?—He is an hotel keeper.

951. Then he hires out cars, if he has any?—Yes, I suppose he does.

952. William Wilson?—I do not know of any cars from him.

953. James Young?—Yes, he is a car proprietor.

954. Robert Andrews?—I do not know him.

955. Hugh Arnold?—I do not know him.

956. Robert Bowman?—I do not know him.

957. Do you know those who were the members of the committee who engaged the country cars?—There were several meetings of the committee when the matter was discussed as to whose

cars they would engage, and several farmers on this committee met and offered their cars, because there was a difficulty in the way. We had all the cars of Banbridge engaged but one man's, and it would have been impossible to have brought in the voters without calling in the aid of the outside cars.

958. Who were the members of the committee who engaged the cars?—I cannot possibly say; the two conducting agents were present, Mr. Card and Mr. McClellan.

Cross-examined by Mr. Macdonagh.

959. You said, but I wish to have it repeated, because I am not sure that it was caught by the Court; did you not state that you had no idea whether the persons employed were voters or not?—I had not any. I did not consider the matter or think of it in any way.

960. Was there not a great difficulty in getting cars?—There was a difficulty in getting cars. We could have taken a great many more cars on the day of election.

961. And was not it without any consideration of their being voters or not that they were engaged?—Certainly.

962. Is not this a very large district with which you are connected?—Yes.

963. I believe it is the second largest?—I believe so.

964. And a great number of cars were necessary of course to bring up the voters?—Yes.

Mr. Justice Barry.] He has said that more than 10 times.

[The Witness withdrew.

MR. THOMAS D. CARD, SWORN; Examined by Mr. Porter.

965. You were one of the conducting agents for the Banbridge district, along with Mr. McClellan?—Yes.

966. I suppose you were present at the committee meeting?—I was present at all the committees.

967. Did you issue cards in reference to the cars to be used after the election?—Mr. Lynn had charge of that department, but of course when they engaged a car, we gave a ticket, so that we might check it afterwards.

968. Were your names on those cards?—They were. There were several in the names of McClellan and Card.

969. Have you them here?—I have not. I have sent for them; but I think I could give you an idea from the names, if they were real over.

970. You heard Mr. Allen state that he was engaged in reference to the employment of cars at Banbridge?—He was not exactly engaged. He has been a member of the committee for two years, and he was proposed and seconded for that post. We all took our separate duties.

971. Did you yourself arrange for country cars from farmers or from shopkeepers?—Several country cars I had to arrange for; parties came in, friends of ours, understanding that we were short of cars, and said, "We can get you a horse and car for the day; and I believe, in some instances, we only paid them half what we were paying to ordinary car owners."

260—Sess. 2.

972. You issued tickets to those people?—Well, I could not say they all got tickets; there was so much excitement on the day of the election.

973. Did you give payment to those people without issuing tickets?—Certainly, because we took a note of their names, and any man that did his duty probably got paid.

974. That is, with regard to the country cars?—Yes.

975. How many of those did you issue cards to or pay money to?—I could not say that we did to any of them. I may tell you that previous to the day of the polling we did not require the country cars in our district, and did not engage them; but on the day of the poll, finding we were a good deal short, we were obliged to have them in all directions, irrespective of politics, and whether they were voters or not.

976. How many did you employ in that way?—I could not exactly tell you. I have heard some of the names read over. Some of them did not employ; I can tell you, as a matter of fact, the names of most of those that had cars there.

977. I am not familiar with these names, and I cannot tell whether they are country farmers or not?—I will tell you as you go through them.

978. Very well, then. David Allen?—He had no car; but there is a son of his who lives at a separate farm with a wife and family, and he sent a voter and a car.

979. Was David Allen employed or paid?—He

R. Lynn.  
18 June  
1886.

Mr. Card.

- Mr. Card. He had no connection with the election in any way.
980. He was not employed or paid?—No.
981. That is your answer?—He had no car, and was not employed in any way about the election. The man, in fact, was desperately ill, and had to be helped to the poll.
982. John Bell?—He is an ordinary car proprietor in the town.
983. James Brown?—He was the man who had an infirmity cart.
984. Where does he live?—Beside Banbridge; and I know, as a matter of fact, that on the 12th July, and on all those special occasions, he is as much employed as any other man.
985. The 12th July only comes once a year?—But also at the races; he goes to all the races.
986. Is he a farmer?—Yes, he is a farmer, and in addition to that keeps a horse.
987. Is he a voter?—He is.
988. Did he drive the car himself on that day?—I really could not say that, because I was engaged in and about the booths.
989. Try and recollect?—I could not possibly say that. I did not superintend that department.
990. How much was he paid?—I believe the 25s., nothing more than that.
991. Joseph L. Davidson?—He had no car. He was a shopkeeper in Banbridge.
992. Was he employed to engage cars?—No, he was not.
993. Not in any way?—If he was employed, it did not emanate from the committee.
994. William Gillespie?—I have no knowledge of that man having any employment from us. On one occasion he called at the committee rooms, and asked them for a parcel from Mr. Bailey, of Scarva; he had no employment from us.
995. Has he a car?—He is not and was not employed.
996. Thomas Hawthorne?—He is a very respectable gentleman in town.
997. Had he a car?—He is a very respectable man.
998. Well, so he might be; the possession of a gig used to be supposed to be the test of respectability; had he a car?—He has no car, and had none at the election.
999. William Henry?—That man may have had a car; I won't say as to that until I get my docket. I know he was a canvasser, and has been a member of the committee for two years. He is a respectable farmer.
1000. Was he paid as canvasser?—No.
1001. Nor for his car?—No; there was not a single canvasser in the district paid, because, when I took charge of the district two years ago, I laid down that principle distinctly. When I was asked to take the management of the district, I laid down the principle that if I was to have anything to do with it, I would not have paid canvassers, but I would have respectable farmers who would take an interest in the matter themselves.
1002. Had William Henry a car upon that day?—Not that I am aware of.
1003. Crawford Hillis?—He had no car that I am aware of. He was one of our canvassers in the same way; respectable farmer. He got no reward of any kind.
1004. James Hutchinson, senior?—He had a break or van there, which is very extensively employed for picnics and for special occasions.
1005. What was he paid?—I could not exactly tell you the amount, but you must take into consideration that it requires two horses and carries more than a car.
1006. Is this the vehicle that he keeps for the purpose of hiring it out, or for his own private use?—For hire; and I have employed it myself.
1007. Does he not use it himself?—He does, as a furniture van.
1008. And that is his business?—Yes; but I know I have engaged it for such purposes formerly.
1009. James Hutchinson, junior; did you not also engage him to erect the tally rooms?—He erected the tally rooms; his was the lowest tender, and it was accepted.
1010. Was he paid for it?—Yes.
1011. How much?—£. 2 or 10 l.
1012. Joseph Gilles Hutchinson?—He is a member of the firm of James Hutchinson & Sons.
1013. You know nothing special about him?—No.
1014. Robert Lindsay, junior?—I am under the impression that he had a car. I think both the Lindsays had cars.
1015. Robert Lindsay, senior?—Yes.
1016. What are they?—Farmers.
1017. Voters?—Yes.
1018. Did you see Robert Lindsay, junior, drive it?—I did not.
1019. Their cars were employed for the purpose of the election?—Just like the others.
1020. Were they paid cash, or did they get tickets?—There were no payments, I think, until after the election.
1021. When were they paid?—At the ordinary time, the same as all those accounts. They may not be paid yet. Any man that sent in his account got it when the ordinary expenses were paid.
1022. Then the Lindsays, senior and junior, both had cars, and they were both farmers?—Yes.
1023. And they were both paid after the election?—I believe so; and if not, I presume they will be.
1024. Robert Leek?—I think he had a car.
1025. Is he a farmer?—Yes.
1026. And a voter?—Yes.
1027. Did he drive on the day of the election?—I am not aware of his driving, because I was not outside.
1028. He is a farmer; he keeps a private car, and was employed in this way?—Yes.
1029. Charles McLaughlin?—He is an ordinary poster, and keeps an hotel at Banbridge.
1030. James MacMahon?—I know nothing about him. He did nothing in connection with our committee, and I never saw him in our committee rooms.
1031. Hugh Megan?—I understand he was paid for a car; but it was engaged from a boy named McCulloch. He came to me as a favour, and asked me to take a car from him.
1032. Hugh Megan was a gentleman who had a car of his own?—Yes. He keeps a draper's shop.
1033. Was that used on the day of the election?—Yes.
1034. And was he paid?—I understand he was.
1035. Who

1035. Who drove the car?—I think it was McCulloch; he did when I employed it.

1036. At any rate he sent in his account and was paid?—Yes.

1037. Gore Marvin?—He had no car.

1038. Was he employed as persuasion agent?—No, he was not.

1039. Nor in any way on the day of election?—I understand, as a matter of fact, he was standing, taking a note of the parties going in and out.

1040. Was that by arrangement with the committee?—No arrangement with me.

1041. Michael O'Hare?—He is an ordinary poster.

1042. John Robinson?—The same.

1043. Thomas Scoddin?—He had no car.

1044. Was he a canvasser?—Yes, and a member of the committee; he has always acted in that capacity.

1045. A paid canvasser?—Nothing of the kind.

1046. Henry Templeton?—He was checking names, just the same; he has always been a very staunch supporter of that party, and willing to lead any help.

1047. There was no arrangement in his case?—No arrangement that I am aware of for payment.

1048. Francis Urey?—He is a member of the committee.

GORE MARVIN, sworn; Examined by Mr. Shaw.

1062. You are a Voter on the Register of the County Down?—Yes.

1063. And you voted at the last election?—I did.

1064. Were you present on the day of the poll?—I was.

1065. In what capacity?—Writing down the names of the parties coming in to vote.

1066. Who employed you to do that?—Mr. Andrew McClelland.

1067. Have you got any payment for it?—No.

1068. What were the terms of the engagement?—He just asked me to do so, but he did not promise me any payment.

1069. And you did not expect anything?—Well, I hope I may get something.

1070. You understood then that it was for reward that you were engaged?—Yes, I did.

Cross-examined by Mr. Mourie.

1071. Where did you see Mr. McClelland?—In the town of Banbridge.

1072. And he asked you to do this for him, in

1049. Had he a car engaged?—I do not think he had.

1050. Does he keep a car?—I am not aware of that.

1051. Where does he live?—It is five miles from Banbridge.

1052. How does he come in and out from Banbridge?—Well, they generally come in in cars.

1053. David Wilson?—He had two cars engaged in that day.

1054. Is he a farmer?—He is.

1055. He does not keep cars for hire?—No.

1056. He was paid in the same way?—There was no cash until after the election.

1057. I did not ask you whether before or after the election. Henry Williams?—He keeps a posting establishment in Scarve; sometimes he has not got a horse, and at other times he has.

1058. William Wilson?—I do not think he has any car; he is one of our committee and has been for years.

1059. Andrew Wilson?—That is the very same; he had no car.

1060. James Young?—He is an hotel proprietor at Banbridge.

1061. You will be able to give me the particulars of these to-morrow?—Yes.

taking down names?—Yes, he appointed me to go to the court-house on that morning of the election.

1073. And he said nothing more about it?—No, nothing more; I did not ask any favour.

1074. Mr. Shaw.] You expected to get it?—He did not promise.

Mr. Murphy.] But you understood "he gave him to understand." He says he understood.

1075. Mr. Mourie.] You did not ask it, and he did not offer it?—No, certainly not.

1076. Like many other men, you would take it if you got it?—I would; 100*l.* to-morrow.

1077. Were you employed at the last election?—No; but I voted in the same way as I do now.

1078. You are a retired gentleman, living on your own property, I believe?—Yes.

1079. Mr. Shaw.] A retired policeman?—I am a retired head constable, first-class, if you want to know; and purchased a property in Banbridge, and have it.

Mr. THOMAS HAWTHORNE, sworn; Examined by Mr. Murphy.

1080. You are a Voter in the county?—I am.

1081. And you voted at the last election, I believe?—I did.

1082. Do you recollect your vote being objected to?—I do.

1083. As a paid agent?—Yes.

1084. Did you make reply that you were advised that though paid you could vote?—I did not.

1085. What did you say when your vote was objected to?—I did not say much; it was not the place for talking.

1086. Tell me, now?—I did not say anything.

1087. You were objected to as a person who was paid, or to be paid?—Yes.

1088. In what capacity had you been employed?—I volunteered to canvass about a couple of afternoons.

D 3

1069. Were

Mr. Card.  
18 June  
1889.

Gore Marvin.  
—

Mr.  
Hawthorne.  
—

Mr. 1088. Were you in any other employment?—  
*Houthorne* I was in Mr. Kelly, the sheriff's, employment.  
 1089. As what?—As clerk.  
 1090. Who were present when your vote was  
 18 June objected to as a person who was paid, or to be  
 1830. paid?—I think Mr. Glasse was the only person  
 who objected to it.  
 1091. Did you say that you were advised to  
 do, and were ready to vote, even though you  
 were paid?—I do not believe I used that word.  
 1092. What words did you use like those?—  
 I said that I would vote.  
 1093. What did you say about the payment?  
 —I had got no payment, nor was to get any.

1094. What did you say about the payment?  
 —I said nothing about it. Anything I did I  
 volunteered to do it myself.

1095. You did not expect any payment for it?  
 —No, I do not think I did.

1096. Did you say anything on that day that  
 even though paid you had a right to vote?—I  
 did not.

1097. You did not say anything about the  
 payment when you were challenged?—I did not;  
 I have said it.

1098. You are quite sure you did not say a  
 word about it?—Quite sure.

Mr. JOSEPH ANDERSON, Junior, sworn; Examined by Mr. Porter.

Mr. 1100. ARE you a Voter?—No.  
*Anderson.* 1101. Were you employed about the election?  
 —Yes.  
 1102. In what capacity?—As committee-room  
 clerk.  
 1103. Were you paid for that?—Yes.  
 1104. How much were you paid?—£. 10. 10 s.  
 1105. For one day?—No.  
 1106. For how long?—For 19 days, and the  
 day of the election.  
 1107. Where do you live?—Banbridge.  
 1108. With your father?—Yes.

Mr. Macdonagh.] I object to this question,  
 because it is plainly to introduce again a  
 colourable employment question, because he  
 lived with his father, just to raise the ques-  
 tion which should be raised as either bribery  
 or colourable employment. It is really a  
 waste of time.

Mr. Porter.] As a matter of fact, you did  
 not vote at the election yourself?—

Mr. Macdonagh.] He has no vote.

1109. Mr. Porter.] Is your father's name the  
 same as yours?—Yes.

1110. It was he that voted then?—

HUGH MCGAW, sworn; Examined by Mr. Murphy.

Hugh 1111. WHAT were you paid for the car that  
*McGaw* you drove on the day of the election?—  
 £. 2. 5 s.  
 1112. How many cars did you supply?—Only  
 one. That was the day of the canvassing, and  
 the day of bringing the voters to the poll, and  
 bringing them home.  
 1113. What was the day of the canvassing?—  
 The 7th April.  
 1114. That was the day of the polling?—I beg  
 pardon, it was the week before.  
 1115. What day in the week?—I could not  
 tell.  
 1116. Who drove your car for you?—It was

a man of the name of John McCulloch that drove  
 the car.

1117. What is McCulloch?—Why, he was  
 working at one time in the gas-house; now he  
 is working up at the brewery.

1118. And you were paid 2 l. 5 s., and he was  
 a driver?—He was, sir.

1119. Did he drive on both days?—He did.

1120. I believe you were No. 662 on the  
 Register?—I believe that is so.

1121. Mr. Murphy.] You said you voted, I  
 think?—No, Linn said I did; I was not asked.

1122. Then, did you vote?—Yes.

MOSES ALLEN, sworn; Examined by Mr. Murphy.

Moses 1123. WHERE do you reside?—At Gilford.  
*Allen.* 1124. You are a voter, No. 9 on the Register,  
 and you voted at the last election?—Yes.  
 1125. Did you take charge of the Gilford  
 district?—I did not.  
 1126. Did you do anything there at all?—  
 Yes, I canvassed a little.  
 1127. Had you made any agreement with Mr.  
 McClellan and Mr. Card as to the canvassing?  
 —No.  
 1128. No agreement whatever?—No.  
 1129. Were you to be paid anything for the  
 canvassing?—No, I never was promised.  
 1130. But who employed you?—The com-  
 mittee.  
 1131. Did you employ any cars?—I did not  
 during the time of the canvassing.  
 1132. Did you on the day of the polling?  
 Oh yes, certainly, one or two.

1133. Did you give tickets to men on the day  
 of the polling whose cars you were employing?  
 —I did not.

1134. Did you know the persons' cars you  
 employed?—Yes.

1135. How many did you employ?—Some  
 17; they are all here.

1136. Have you the names of them?—They  
 are here themselves.

1137. Have you the names?—I have not.

1138. Of the whole 17, how many were voters?  
 —I could not say.

1139. Were 16?—I could not say.

1140. Might the whole 17 have been?—They  
 could not.

1141. How many of them; were there 16?—  
 There were not more than six altogether.

1142. Mr. Justice Barry.] You first answer  
 and say, you cannot say; and then in one minute  
 afterwards



afterwards you say there were six?—There may be six, I say.

1143. Mr. Murphy.] How many of these 17 were voters. You know them very well?—I do not indeed; there might be six, I say.

1144. Give me the names of the six?—I could not; you have them there.

1145. I have not at present before me. Can you give me the names of the six?—Thomas Burch, William Phoenix, William Hoeck.

1146. Any of the Livingstones?—No, not by me.

1147. Who else; that is only three you have given?—No.

1148. George Burch?—No.

1149. Joseph Linn?—No.

1150. Either of the two Chambers?—Yes, John Chambers.

1151. John Fergus Chambers?—No.

1152. A voter?—Yes, I think so.

1153. Who else?—R. Livingstone.

1154. Another of the name, either of the other two, George or Robert?—I do not know at all.

1155. Andrew McGaffan?—He had a car the day of the poll; that is all I know.

1156. Is he a farmer?—I do not know indeed; I think so.

1157. Was it you who employed him?—No, it was not.

1158. Who employed him?—I do not know.

1159. Samuel Manches?—He had no car.

1160. Henry McIlroy?—He had no car that I know of.

1161. Alexander Monroe?—No car.

1162. William James Whitende?—No.

1163. James Joyce?—He had no car that I know of either.

1164. Hamilton Fliam?—I do not know the man at all.

1165. Of these, you employed yourself five, but you do not know about McGaffan or who employed him?—I asked for the cars the day of the poll.

1166. For payment?—Certainly not; it never was mentioned.

1167. Were they to give their cars without knowing?—I think they are not paid yet; I do not believe they are.

1168. What was the payment to be for the cars?—It never was mentioned to me.

1169. Do you mean to say you meant to employ their cars without any intention of paying them?—Those parties belong to the committee. The cars were running, and I asked these parties to bring their cars in, and they said they could.

1170. Who desired you to ask them?—Nobody at all.

1171. Mr. Baron Fitzgerald.] You were on the committee yourself?—Yes.

1172. And they were?—Yes, we were all on the committee.

1173. Mr. Murphy.] You did not give them to understand that they would be paid anything?—Certainly not.

1174. Did you give them tickets or cards?—Not on that day.

1175. On other days?—Yes, sir, tickets.

1176. By you?—Yes.

1177. Was it to these same persons?—No.

1178. To whom did you give the tickets the other day?—Mr. Card has got the docket.

1179. How many did you issue tickets to the other days?—I could not say.

1180. Twenty?—I could not say.

1181. Sixty?—I could not say.

1182. It may have been 100?—I could not say.

1183. Mr. Justice Barry.] What significance do you attach to giving the cards rather than any other mode of arranging or keeping account of the employment?—Excepting that the card shows that it was recognising persons claimed for the payment; it is only in that way.

1184. You could not say how many of those were voters?—I could not say.

1185. You are quite sure you did not employ on any other day any of the other persons whose names I have mentioned?—I did not.

1186. Did you know them to have been on those other days?—Oh! of course cars are running about there constantly, and I could not tell. Mr. William Fliam has six going constantly.

1187. Was there any promise of payment made to you by either Mr. McClellan or Mr. Card?—There was not.

1188. And you do not expect any?—I do not.

1189. No intimation given to you?—Never.

1190. No writing between you at all?—No.

1191. You are quite sure of that?—I am very sure of it.

1192. Did you get any direction not to employ any of the voters' cars for more than two days?—I did not. I employed no cars at all unless for the last day.

1193. And all those you have given me the names of, six?—Yes.

1194. Did you return the persons whose cars you employed to Messrs. McClellan and Card?—Mr. McClellan and Mr. Card were there the night they were appointed.

1195. Did you give an account of those six to Mr. McClellan and Mr. Card?—Certainly.

1196. As the persons who authorised you to employ cars for that day?—Yes.

Cross-examined by Mr. Monroe.

1197. Was it when you found cars were getting scarce on the day of the polling, that you asked the members of the committee to bring in those?—Yes.

Re-examined by Mr. Murphy.

1198. Did you collect the tickets of the cars from any persons?—I did not.

1199. Nor sent any one to get them?—No.

1200. You had nothing to do with it?—No; I kept the blocks.

1201. And you put down these names on the blocks?—No, I did not.

WILLIAM PHOENIX, sworn; Examined by Mr. Porter.

1202. WERE any cars of yours engaged for the election at Gilford?—Yes.

1203. Were you a voter?—Yes.

260—SESS. 2.

1204. Did you vote at the election?—Yes.

1205. Were your cars employed before the day of the polling?—I live by posting.

p 4

1206. What

Moore Allen,

18 June

1880.

William Phoenix.

*William Phoenix.* 1206. What was the amount of your account?  
—I cannot be sure; about 50*l*.  
1207. Have you been paid yet?—Yes.  
1208. Is full?—Yes.

1209. On the day of the polling did you see country cars there; not regular cars like yours, but the country cars?—Well, I believe there was a few.

WILLIAM HOSACK, sworn; Examined by Mr. Murphy.

*W. Hosack.* 1210. You are a voter, and voted at the last election?—Yes.  
1211. Have any cars of yours been employed during the election?—Yes, one.  
1212. How many days?—Three days.  
1213. You were paid 3*l*. 10*s*. for it?—I was paid nothing.  
1214. Did you send in your account for 3*l*. 10*s*?—No.  
1215. What were you to be paid?—I did not know what I was to be paid; there was no one engaged me personally, and I did not know what I was to be paid. Of course I was expecting to be paid, but no one engaged me personally.  
1216. Did you get tickets?—One day I did.  
1217. From whom did you get the ticket one day?—From Moses Allen.  
1218. Is he a farmer?—

Mr. Baron Fitzgerald.] We had him as a witness here.

1219. It was he who gave you the ticket?—Yes.

1220. Was that on the first day you were engaged?—No, the second.

1221. How long was that before the election?—I expect it was nearly about a fortnight; I am not altogether sure.

1222. What were you doing the first day?—Canvassing.

1223. With whom; who was on the car with you?—A man they call Thomas Harvey.

1224. Who was with you on the second day that you say Moses Allen gave you the ticket?—The same man again.

1225. Who was on the third and fourth days?—I was not four days at all.

1226. The third day?—That was the day of the poll.

1227. What were you doing on the day of the polling?—Bringing up voters.

1228. How many did you bring up?—I do not know.

1229. Three or four?—More I am sure, but I do not know exactly.

1230. Who drove the car on the three days?—Myself.

1231. You are a farmer, I suppose?—Yes.

1232. What did you do with the ticket that you got from Allen?—I returned one of them to either Allen or his wife.

1233. Oh, you returned one of them?—Yes.

1234. Then did you get a ticket every day?—No, I got one ticket only.

1235. You said one of them; how many tickets did you get?—I do not recollect only one.

1236. But you returned one of them to Moses Allen; did you send in your account with that?—I did not.

1237. To whom was it that you gave the ticket that you got?—I cannot remember whether I left it in the house for him or gave it to him personally or not.

1238. To whom?—Allen.

1239. Did you say 4*l*. 10*s*. to any person was the real price for the three days?—I did not, to any person.

1240. Did you go to look after the account since?—I did not.

1241. Did you tell any person what they were to do with the ticket that you sent in to Allen?—I do not recollect.

1242. He gave you the ticket in order that you might prove that you supplied the car; did not you understand that?—Yes, I believe so.

1243. He gave you the ticket in order to prove that you were entitled to payment for it?—Yes, I believe that is so.

Mr. CARD, re-called; Examined by Mr. Porter.

*Mr. Card.* 1244. ABOUT the Gifford district, do you know that last witness, William Hosack?—I do; at least I have seen him frequently.

1245. Were you the conducting agent for the Gifford as well as the Banbridge district?—Yes, but I had not so much to do with it; I confined my attention principally to Banbridge.

1246. Have you the accounts for the cars of that district?—No, I have not.

1247. Who has?—You mean the blocks.

1248. The blocks for the Gifford district?—I should say Mr. Moses Allen.

1249. If he says he gave them to you, what do you say to that?—I will tell you what we got; we got the ticket that was given out, and with regard to the blocks, as far as I know, I do not think I got them.

1250. Have you the original tickets; they will do just as well?—I do not think I have, but I have sent for all the papers in connection with it.

1251. Did you employ any person for the cars?—I did not interfere with the cars at Gifford at all, but left that entirely to the local committee.

1252. Among the tickets sent in to you, was there one from Hosack?—I am sure there was; I noticed the name.

1253. How much was demanded by Hosack?—I could not say; my accounts would show it; but I know we checked them so that they were to get nothing more than the ordinary charges, 1*l*. or 1*l*. 5*s*.

1254. Were they paid in that district?—I think they are nearly all paid; some of them are not, I know. There are some checks wanting, both for Banbridge and Gifford.

1255. Now, will you be able, from the names, if I read them out to you, as in the Banbridge case, to tell me about the men and their cars?—Not the same as with regard to Banbridge, because I confined my attention to Banbridge.

1256. Who managed at Gifford?—Mr. Allen.

1257. Who is he?—He is the local secretary, or Mr. Macbett.

1258. When was Mr. Allen appointed secretary?—The first time I went to the district, in 1878,

1878, I found him there for registration and all purposes connected with it.

1259. Mr. Baron Fitzgerald.] Is this Lomhard-street Committee in Belfast a committee of the same kind?—These are sub-committees we have in the country for registration purposes.

Mr. Baron Fitzgerald.] I really thought it was a committee for the purposes of the election.

Mr. Moore.] Not at all, my Lord; it is for registration purposes.

Mr. Porter.] It was also the committee for the election.

Witness.] There was exactly the same thing at Gifford. The general registration committee is the election committee.

1260. You were in constant communication with Mr. Finnegan and the head quarters?—Yes, regularly.

1261. About the election?—Yes, about the election.

Mr. SAMUEL MOORE, sworn; Examined by Mr. Murphy.

1269. WHERE do you reside?—At Gifford.

1270. Did you see the cars that were employed on the day of polling, at Gifford?—I did, and during the canvass.

1271. Do you know the persons who are car owners, in Gifford?—I do.

1272. Who are the persons whose cars you saw employed in canvassing, and the bringing up of the voters, on the day of the polling?—I saw Macbeth's cars during the canvass, and I saw William Hunter's cars; I saw Hosack's cars, and I saw James S. Joyce's.

1273. You saw Samuel Macbeth's?—Yes.

1274. You saw William Hunter's?—Yes.

1275. And James Samuel Joyce's?—I did.

1276. Do you know those three to be voters?—I do.

1277. And Hosack also?—I did, with "Hill and Castlereagh" posted on the back of the car.

1278. Who else did you see?—John Fergus Chambers during the canvass, and taking a lot of parties to Banbridge, one night, when there was a meeting, on his car.

1279. Is he a farmer?—Yes.

1280. And a voter?—And a voter; and a man of the name of Mellroy. His father has a vote, but it was the son that was driving the father's car. Magaffin had a car out, and the men who owned cars at Gifford were allowed to go idle, in order that the farmers might be employed.

1281. Did you see those persons, the regular car owners?—I did; they were not employed at all; they were begging work from me for the other side.

1282. They were not employed during the canvass?—They were not, and the report was quite current at the time.

Mr. Macdonagh.] Wait a moment; you must not say that.

Mr. Baron Fitzgerald.] There is a little misapprehension. I think the question is whether he saw cars at Gifford employed on the polling day. He says during the canvass, and then, I think, he took it to be both ways.

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1262. Was Mr. Moses Allen employed about this particular election in any way different?—Nothing more than I have ever known him to be employed. As a member of the committee, he attended the first night and took his usual place.

1263. And of course he would be all the more busy at election times?—Yes.

1264. Was he to get any extra pay for that?—I never knew him get any.

1265. Was there an agreement, or anything of the sort?—As far as I am concerned, I never knew any payment to be made to him with reference to the election at all; and I know, as a registration agent, he never asked anything. He has assisted me materially for a couple of years.

1266. Were you connected with any other districts except those two?—None.

1267. And there is nothing else with reference to your accounts or books that will give us any assistance?—Nothing more.

1268. You will have them all here for us to-morrow?—I have sent for them.

Mr. Card.

18 June  
1880.

The Witness.] On the polling day also, your Lordship, and they had a placard on the back end of their cars, "Vote for Hill and Castlereagh," in great printed letters.

1283. Mr. Murphy.] On the polling day were the cars of the car proprietors of Gifford employed?—They were.

1284. But you did not see them employed during the canvassing?—They were not to be employed in it.

1285. How did you know that. Were you speaking to any of the committee?—James Ware, who was one of the car owners, came to me—

Mr. Macdonagh.] Stop, sir, you must not give those answers.

1286. Mr. Murphy.] Do not mind him?—James Ware, from what he said to me, I will tell you all about it again, if you like.

1287. How many days did you see the cars of those voters employed during the canvass?—Well, I think they were not so often going canvassing as they went to Downore to create a meeting. They went to Banbridge to create a meeting, and they went to Downore to create a meeting.

1288. They were going on election business?—I cannot say; but I saw the names of the men in the paper the next day.

1289. Were you present at all at the payment of the car owners?—Oh, I do not belong to that side at all.

1290. You were not present at the distribution of any of the funds?—I was not, but I saw a circular on Monday evening, asking them to come in.

Mr. Macdonagh.] Stop, sir.

1291. Mr. Murphy.] With whom did you see the circular?—Did you see it with any of the voters?—I did.

1292. What was the name of the voter?—William James Whiteside.

1293. Had he a car?—Well, I think he rode his horse once round the town, one day, for a day's work.

E

1294. When

Mr. Moore. 1294. When did you see a circular with him?  
—It was after the election was over, on a Monday evening, and after I noticed it was in the "Chronicle."

Mr. Macdonagh.] Stop, sir.

Mr. Murphy.] I wish to ask Mr. Card a question.

Mr. Macdonagh.] Not while this gentleman is in the box. We see the conduct of this man.

Mr. CARD, re-called; Examined by Mr. Murphy.

Mr. Card. 1295. WAS there a circular, after the election, for a meeting of the committee, telling persons to come in, and send in their accounts?—No; we

Mr. Murphy.] What about his conduct? I do not think he has said one word that is not the fact.

Mr. Baron FitzGerald.] If what Mr. Murphy wants is to put a legal question, which he cannot do without first asking the question of Mr. Card, why should not he?

Mr. Murphy.] That is my sole object. I cannot ask the contents of a circular unless I find it was issued.

simply put in a notice in the "Chronicle" to send in the claims to the solicitors or agents. There was no circular that I am aware of.

Mr. SAMUEL MATCHETT, sworn; Examined by Mr. Shaw.

Mr. Matchett. 1296. You are a Voter for the County?—I am.  
1297. And you voted at the last election?—I did.

1298. You had a car?—I had the car, but it was my son who drove it.

1299. It belongs to you?—It belongs to me, but he had it and drove it.

1300. Was it for the purpose of the election?—It was.

1301. How many days was it employed?—I think it was five days canvassing, and also the day of the polling.

1302. Who drove it on the day of the poll?—My son.

1303. And you were paid for the car?—No, I was not.

1304. Did you send in your account?—No, I did not.

1305. Did anybody send in an account?—Nobody sent in an account, but my son was paid.

1306. What age is your son?—Well, he is 32 or 33 years of age.

1307. Does he live in the house with you?—He does not.

1308. Is he a voter?—He should be a voter, but he was struck off some way, I do not know how; but he has property to make him a voter.

1309. The car was yours?—The car was mine.

1310. Did you get any of those tickets that were issued?—No; I got none of them. I was on the committee, and he asked me if he might take a car. I said "Take it and welcome"; I said, "I have ridden my horse since 1857 in canvassing, and you are welcome to take the horse and the car. I have voted from that to this, and never got a sixpence at a county election, nor have received, nor asked for one."

Mr. GEORGE BERON, sworn; Examined by Mr. Porter, Q.C.

Mr. G. Beron. 1311. You are the gentleman of that name who is on the register for the Gifford district?—Yes.

1312. And you voted at the last election?—I did, like a man, and would again for the same cause.

1313. Had you a car?—I believe I had.

1314. Was your car used for the purpose of the election in the same "cause"?—I think I have a right to take my car where I like.

1315. And the right to get paid for it?—Yes; if you will give me something for being brought here, I think I have a right to be paid for being brought here.

1316. How many days was your car employed?—I could not tell.

1317. Was it employed ten?—I could not tell.

1318. Twenty?—I could not tell.

1319. Three hundred and sixty-five?—There is that many days in the year.

1320. Was it employed for those days?—I think it did not commence in the front of the season; I could not tell you how many days.

1321. Did you send in an account?—I did not, and I never received a penny. I have canvassed three years for different parties, and have never received a penny yet.

1322. Did you send in an account?—I did not.

1323. Did you get any one to send in an account for you?—I do not know whether they did or not.

1324. But, come, will you swear that?—That would be a hard question for me to answer.

1325. Do you know a man of the name of Thomas Beron?—Yes; my brother.

1326. Does he live with you?—Yes.

1327. Are the two of you joined in the firm?—Yes. If I buy a horse, very often I call it mine; and I buy a calf sometimes.

1328. I do not want your private history; did your brother send in an account for the car?—I am not here to answer my brother's questions.

1329. Mr. Baron FitzGerald.] If you know whether he did or not, you must say?—I could not answer, my Lord.

1330. Mr. Porter.] Did you see the account your brother sent in?—I did not.

1331. Will you swear that; did he tell you he would send in an account?—

1332. Mr. Justice Barry.] Who drove the car?—It was the boy.

1333. Mr.

1333. Mr. Porter.] What was his name?—I think it is Pat Murphy. I cannot recollect, but it was a Pat; that is all I called him.

1334. Were any tickets given?—None to me.

1335. To your brother?—I am not here to answer my brother's questions.

1336. Come, sir, answer my question, were there any tickets given to your brother to your knowledge?—Not to my knowledge.

1337. Did your brother tell you that he had tickets?—He did not.

1338. Did you see the tickets with him?—No.

1339. Was an account furnished to the amount of 8 l.?—I do not know anything about these things. I did not furnish it.

1340. Who sent your car?—I can drive my car where I like.

1341. Who asked you to send the car?—I do not know.

1342. Is your brother here?—I believe he is.

1343. When did you see him last?—No longer ago than in the gallery.

1344. You know you are on your oath?—Yes.

1345. Is your brother here?—Yes, I told you he was here; in the gallery.

1346. Now, did your brother ever tell you that he furnished his own account, and yours, both?—He did not.

1347. Did anybody on your behalf furnish an account in your name, and another in your brother's?—I could not answer my brother's questions.

1348. On your oath, did you ever make any request for money for your car?—I did not.

1349. Or get your brother to do it?—I do not know anything about my brother's questions.

1350. Did you ask your brother to do it?—No, I did not.

1351. Your brother is here; did you intend to get payments?—Many things people intend to get that they never get.

Mr. Murphy.] That will do

Mr. THOMAS BURCH, sworn; Examined by Mr. Murphy.

1352. Do you live with your brother, George Burch?—I do.

1353. Did you supply a car during the election?—Yes.

1354. Was it a different one from that supplied by your brother?—No, it is all the one.

1355. But your brother supplied it; for how many days?—Well, I am not certain about the number of days.

1356. How many days did you supply it for?—I am not quite certain, I think about five.

1357. And your brother for how many?—Not for any more.

1358. Was it five then altogether?—Yes.

1359. How did you charge for it?—Well, I had no claim to charge at all; I was not promised anything and I did not get anything.

1360. How much did you charge for your brother's share of it?—Well, I put in a bill for 7 l. 5 s.

1361. Was that for your brother's part of it?—That is for the whole that I know of.

1362. To whom did you put in the bill for 7 l. 5 s.?—It was to Mr. Allen.

1363. That is to Moses Allen?—Yes.

1364. Did you give that to Moses Allen after you had got a circular from him?—I got no circular at all.

1365. Where did you give it to Moses Allen?—In his own house.

1366. That is for the car?—For the car.

1367. You know Moses Allen very well?—There is a gentleman there—

1368. Answer my question; you know Moses Allen very well?—I do.

1369. And he knows you?—He does.

1370. And he knows your brother?—I think so.

1371. Where do you live?—In Sochans.

1372. Did you give it to him in his own house?—I am not certain about it.

1373. Were there any others in there at the time that you were giving him the account?—Not that I noticed.

1374. Did you talk with him at the time you were giving it to him?—I did not.

1375. You just showed him the account?—Yes.

1376. When did he tell you it would be paid?—He did not say when.

1377. After the petition, did he say?—He did not say it.

1378. And you did not ask him?—I did not.

1379. And was there not a word between you at all when you were giving in the account?—Not a word. I took the car out of my own accord because we got word to curtail the expenses, and there is a gentleman there that travelled two days on foot (pointing).

1380. And wishing to curtail the expenses, you billed them for 7 l. 10 s.?—I did not expect it.

1381. Did not you bill them for 7 l. 10 s.?—No.

1382. Was it 7 l. 5 s.?—Yes.

1383. And you cannot tell me how soon that was after the election was over?—I do not know.

1384. And you live in the country; you are a farmer, I suppose?—Yes, in the country; but we had a canvass.

1385. I am not asking whether you had a canvass or not, nor whether there was a gentleman there who was one or two days on his feet: how far away from the town of Gifford do you live?—A mile.

1386. Out in the country?—Yes.

1387. Mr. Baron Fitzgerald.] Whose is the car?—It belongs to my brother and I.

1388. Mr. Porter.] You live together?—Yes.

1389. And firm together as partners?—Firm together. Rather than have that man travelling on his feet all day.

1390. Mr. Moore.] What was this old gentleman here doing?—He was on his car for 1 l. a day.

1391. And whose car was that?—This man that he speaks of. He came into our committee room and got leave to give 1 l. a day for this purpose, and he got 1 l. a day for driving. To drive Mr. Moore about.

1392. You say your car was not engaged, but you offered to take it out yourself without any promise of any kind?—I was not promised a shilling; and I said I would not canvass on foot for anybody.

1393. Mr. Murphy.] Did you vote at the election?—I did.

Mr.  
G. Burch.  
18 June  
1880.

Mr.  
T. Burch.

Mr.

E 2

280—Sess. 2.

## Mr. JOHN FERGUS CHAMBERS, sworn; Examined by Mr. Porter.

Mr. J. F.  
Chambers.18 June  
1880.

1394. I BELIEVE you are a voter in the Gilford district?—Yes.  
 1395. And voted at the last election?—Yes.  
 1396. Where do you live?—Townland of Longhens, beside Gilford.  
 1397. You are a farmer?—Yes.  
 1398. You have a car of your own?—Yes.  
 1399. Was your car out?—Yes, I had it out two days.  
 1400. I believe you had the paper on the back of it, Hill and Castlereagh?—I had it on the side of it.  
 1401. It comes to the same thing; was it out on the day of the polling?—It was.  
 1402. And one day before?—One day before.  
 1403. Have you sent in your account for it?—Yes, I have.  
 1404. For what amount?—£ 2. 5s.  
 1405. To whom did you furnish that?—Well, it was to the committee-rooms.  
 1406. Were there other persons in there at the same time; did you hand it in in writing?—Yes, I did.  
 1407. Did you state what it was for?—I said it was for the two days my horse was out.  
 1408. To whom did you state that?—I gave it in to Mr. Mulder who was one of the committee.

1409. Was Moses Allen there?—I do not remember whether he was there or not at the time.  
 1410. Were the other men who had cars out sending in their accounts at the time?—Some of them were.  
 1411. How many?—I could not say.  
 1412. How long was that after the election?—It might have been a fortnight after it, or something like that.  
 1413. Who told you to furnish your account?—I thought that was the regular way to do it; no one told me at all, I just took it out of my own head.  
 1414. What had you to show whether you had your car out or not?—Of course, Mr. Mulder knew I was the two days out.  
 1415. Had he arranged that you were to have it for the two days?—He had.  
 1416. How did you come to fix it at 2l. 5s.?—£ 1 the first day, and then 25 s. for the polling-day.  
 1417. That was the regular tariff?—It was said so; I gave them the account just the same at the last election.  
 1418. What did they do with your account when you left it?—I do not know.  
 1419. Has it been paid?—Yes, it has.  
 1420. You voted?—I did.

## SAMUEL CHAMBERS, sworn; Examined by Mr. Murphy.

S. Chambers.

1421. Are you a voter?—Yes.  
 1422. Did you vote at the last election?—Yes.  
 1423. Did you supply a car?—I did.  
 1424. For how many days?—Three days.  
 1425. Was it two canvassing and one polling?—Yes.  
 1426. That was 3l. 5s. was it?—Yes.  
 1427. You sent in the account for it?—I did.  
 1428. Were you paid for it?—I was not.  
 1429. Where did you send it in?—To the committee, with Moses Allen; it was left in the committee-rooms.  
 1430. Who was with you on leaving it; were the other car owners there?—There were, I suppose, eight or ten of them.  
 1431. Who supplied cars?—Yes.  
 1432. Did Moses Allen desire you to bring your accounts?—Yes.  
 1433. Mr. Justice Barry.] How much was your account?—3l. 5s.  
 1434. Mr. Murphy.] You left it with them; you only charged the regular sum, 3l. 5s.?—Yes.  
 1435. Do you recollect exactly the day you left it?—I think about the 19th, or so, of the month; it was one Monday; I never was promised to be paid anything at all.

1436. He told you to send in the account?—He did not tell me when I would be paid; I never was promised money at all, any one time.  
 1437. You say the Monday?—I think it was the 19th.  
 1438. Did you get any notice to send it in; by-the-bye, he told you, you said?—Yes.

## Cross-examined by Mr. Macdonagh.

1439. This payment was for your car?—Yes.  
 1440. The regular tariff, as you understood it to be?—Yes.  
 1441. For your car and nothing else?—Nothing else.  
 1442. And had nothing at all to do with your vote?—No.  
 1443. Did you vote according to your principles?—I did this time, and I did the same before.

## Re-examined by Mr. Murphy.

1444. Are you a farmer?—I am.  
 1445. Did you drive the car yourself?—I did.

SAMUEL HAMILTON FLENN, sworn; Examined by Mr. Shaw.

1446. YOU are a voter for the county?—Yes.  
1447. And voted at the last election?—I did?

1448. Were you employed in any way?—I was not employed by either Lord Castlereagh or Lord Arthur Hill; I was directed to canvass by Mr. Murphy, Mr. Stewart's agent.

1449. This is in the Gilford district?—Yes; in the Gilford district.

1450. You did canvass on behalf of Lord Hill and Lord Castlereagh at the last election?—I

went about through Mr. Stewart's tenants, requesting them to vote for Mr. Stewart's relation, saying, that Mr. Stewart would feel obliged for a vote for his kinsman.

1451. Were you paid for that?—Not a penny.

1452. Did you ever ask for payment?—I never asked for it.

Mr. Maurice.] I have nothing more to ask.

S. H. FLENN.  
—  
18 June  
1880.

JOHN HARVEY, sworn; Examined by Mr. Porter.

1453. YOU are a voter in the Gilford district?—I am.

1454. You voted at the last election?—I did.

1455. Are you a farmer?—I am a farmer.

1456. How far do you live out of Gilford?—It is called two miles.

1457. You have a car of your own?—I have a car of my own.

1458. Was your car employed during the election?—It was.

1459. How many days?—Just the one.

1460. Was that the day of the poll?—That was the day of the poll.

1461. Had you a paper on the side of it?—I had to travel twice there, and I thought there was no harm in taking a car; I never asked a man for a vote or who he voted for, nor never will take no interest in the world about it.

1462. What was your pay for the day?—12 s. 6.

1463. That is what you sent in your account for?—That is it.

1464. Were you paid that?—I was not; I thought it was one Monday I took it.

1455. At the committee room?—I do not know anything about the men; I never had anything to do with an election before.

1456. What answer did you get to your account?—I got none at all.

1457. Who was it told you to take the car?—It was in the morning, before I was up, a man came in and gave me a placard to put on the car, and a list of the names I was to go to.

1458. The voters to take up?—Yes; some I went to, and some I did not; I told him I would go or not, whichever I chose.

1459. Had the other men placards and tickets to go to the other people?—I do not know anything about anyone but myself.

1460. You drove the car yourself that day?—I drove the car myself; I took three men and myself once; they never knew whether I voted, or I do not know whether they did.

1461. Do you know Moses Allen?—I do.

1462. Did you give him the account at all?—I did not.

Mr. Maurice.] You may go down.

J. HARVEY.  
—

JAMES JOYCE, sworn; Examined by Mr. Shaw.

1473. YOU are a poller for the county?—Yes.

1474. You voted at the last election?—I did.

1475. You were employed, I believe?—I was.

1476. In what capacity were you employed at the election?—Well, I had a horse out there.

1477. You were canvassing?—I was canvassing.

1478. Did you say you had a horse out?—Yes.

1479. How many days were your horse and car employed?—Three.

1480. Were you employed in any other capacity in any way; you were not an agent on the day of the polling?—Nothing of the kind.

1481. You sent in your bill?—Yes, and I got it.

1482. How much did it come to?—£. 3. 5 s.

1483. Who did you send it to?—I do not  
200—Sess. 2.

know who it was sent to; I gave it to Mr. Mulder. I do not know where he sent it.

1484. You are a farmer?—Yes.

1485. Did you drive the car yourself?—Yes.

1486. Is it your own private car?—Well, the horse is my own.

1487. Did you borrow the car?—I did.

1488. Where did you borrow it?—I cannot just tell you now. I took it. He was a postman I got it of.

1489. You borrowed it as a compliment?—I borrowed it without it being a compliment.

1490. What did you pay for it?—I just paid for it.

1491. How much was it; now, did you pay anything at all for this car?—I did.

1492. Whom did you pay now?—A man of the name of Fulson.

1493. How much did you pay for it; come, you may as well tell us; you must remember that?—Well, not very much.

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1494. The

J. JOYCE.  
—

*J. Jeyes.*  
18 June  
1880.

1494. The more easy to remember, if it was not much; how much was it, now?—  
1495. Mr. Justice Barry.] Tell us how much you paid for the car, if you did pay anything at all for it; how much was it you did pay; you may as well answer the question at once; how much did you give the man for the use of the car?—Well, I gave him 5s. for it.

1496. Was that for the whole time you had it out; for the three days?—I gave it to him for one.

1497. You gave him no more money than that?—

Mr. Meares.] I have nothing to ask you.

GEORGE LEVINGSTONE, sworn; Examined by Mr. Murphy.

*G. Levingstone.*

1498. ARE you a voter?—Yes.  
1499. Did you vote at the last election?—Yes.  
1500. Did you have any cars?—I had one.  
1501. What did you send in for it, 1 l. 5s. or 1 l.?—I sent in an account for 1 l.  
1502. To whom did you send it in?—I do not know who it went to. I left it with Mr. Allen.  
1503. That is, Moses Allen?—Yes.  
1504. What day did you leave it; do you recollect?—I do not remember the day I left it.  
1505. You are a farmer?—I live in the town.  
1506. You are a shopkeeper?—I have a car for hire, a post-car.

1507. Do you regularly let it out?—Yes, I do.

1508. Did you drive it on this day yourself?—Yes.

1509. When you let out your car, do you mean to say you drive it yourself?—Yes; that is the way I make my living generally.

1510. Is Ross Levingstone anything to you?—Yes.

1511. A brother?—No, he is not a brother.

1512. Did you see his car employed on the day of the polling at all?—I did not.

1513. Robert Levingstone is not a relative?—No. I was not at home that day, and I did not see anything.

ROSS LEVINGSTONE, sworn; Examined by Mr. Potter.

*R. Levingstone.*

1514. WHERE do you live?—At Gifford.  
1515. Do you live in the town?—Yes.  
1516. Are you a shopkeeper there?—Yes.  
1517. Did you vote at the last election?—Yes.  
1518. Have you a private horse and car?—I have a horse.  
1519. No car?—No car.  
1520. During the election, was your horse employed working for the canvass?—He was not. I had him out on the day of the polling.  
1521. What was he attached to that day; what was he drawing?—He was drawing a machine.  
1522. What sort of one?—A little light machine.  
1523. Bringing up voters?—Yes.  
1524. Did you drive him yourself?—I did.  
1525. Just the one day?—Just the one day.

1526. What is your claim for that?—Nothing.

1527. Did you send in anything?—I did not.

1528. Or mention it in your account to anybody?—No.

1529. How did you come to give your horse, then, for the day; who asked you for it?—There was one of the committee asked me for the horse on that day.

1530. Did you drive it yourself?—Yes.

1531. All day?—Not all day.

1532. Did you get a ticket?—I did not.

1533. What was the name of the committee man?—John Mulder.

1534. You did not expect to be paid anything?—I did not.

1535. And never asked anything?—Never asked anything.

ANDREW MAGAFFIN, sworn; Examined by Mr. Shaw.

*A. Magaffin.*

1536. You are a voter for the county?—Yes.  
1537. You voted at the last election?—Yes.  
1538. You have also a car, I believe?—Yes.  
1539. And it was employed during the last election?—Yes.  
1540. How many days was it employed?—Four.  
1541. It was employed on the polling day, I suppose?—Yes.  
1542. And three days before?—Yes.  
1543. Did you drive the car yourself?—Yes.  
1544. You are not a regular carman?—No.  
1545. You are a farmer?—I let my horse for hire when I do not need him myself.  
1546. I suppose you get a day's work of a

neighbour and give a day's work in return?—Certainly.

1547. How much did you get for your horse and car during the whole time it was out?—I got 4 l. 5s.

1548. To whom did you furnish your account?—John Mulder.

1549. And he paid it?—Yes, it was from him I got it.

1550. You had tickets I suppose?—No, not any.

1551. Had you ever your horse and car on hire before?—No, not altogether for hire, but in other ways I do let my horse.

1552. For a days work?—Yes.

Mr. Meares.] I ask you nothing.



HENRY McILROY, sworn; Examined by Mr. Murphy.

1553. You are a voter, and voted at the last election?—Yes.

1554. Are you a farmer?—Yes.

1555. Have you a horse and car?—Yes.

1556. How many days was your horse and car out at the last election?—Four.

1557. Three and the polling day; three days canvassing at 1*l*.?—It was not so. I was only out the polling day; I was going myself, and I took the voters with me.

1558. £ 4. 5*s*. was your bill; was it three days at 1*l*.?—I had nothing to do with it, I never was employed, and I never made up a bill of any description, and I never lifted a halfpenny.

1559. Who lifted the halfpennies?—I lent my horse and car to my son.

1560. Does your son live with you?—Yes, and he is settled with and paid.

1561. He is paid 4*l*. 5*s*.?—No; he is paid 3*l*. 5*s*., so far as I understand. *H. McIlroy.*

1562. It was 1*l*. 5*s*. for the polling day you were out?—Yes. *18 June 1860.*

1563. And 1*l*. for each of the others days?—Well, there was one of the days he was out, that he was out of his own district, that he was canvassing in; he went with another man.

1564. And he had no ticket for that day?—He had no ticket.

1565. He was paid for the two days?—He was paid 3*l*. 5*s*.

1566. The two days and the day you were out; and he is living with you?—Yes.

Cross-examined by Mr. Monroe.

1567. Was your son canvassing?—Yes.

1568. He was one of the canvassers?—Yes.

ALEXANDER MORROW, sworn; Examined by Mr. Porter.

1569. ARE you a farmer living near Gifford?—Yes.

1570. I believe you have a private car of your own?—Yes, I have.

1571. You are a voter?—Yes.

1572. You voted at the last election?—I did.

1573. Was your car engaged?—Never for no man; I never got hired, never a shilling.

1574. I am not talking of bribery now?—I never received anything.

1575. Was your car employed?—Not the horse nor the car.

1576. Was your horse and car out?—Never a time.

1577. Have you a son?—I have.

1578. Was he out at all?—Not with my horse and car, never in his life-time. *A. Morrow.*

1579. Well, I must take your word for it?—I cannot say more than that.

*Mr. Macdonald.*] I really think it would be more decorous if Mr. Morrow would not stand in that position, looking direct at the witnesses.

*Mr. Justice Barry.*] The only effect he seems to produce is, to stimulate the firmness of your witnesses.

WILLIAM JAMES WHITESIDE, sworn; Examined by Mr. Porter.

1580. ARE you a voter for the county?—Yes.

1581. I believe you did vote at the last election?—I did.

1582. In what district?—Gifford.

1583. Where do you live?—Loaghans Town-land.

1584. That is in the neighbourhood of Gifford?—Yes.

1585. Were you employed about the election in any way yourself?—Well, I do not know that I was, I acted as car agent.

1586. What were your duties as car agent?—To direct some cars to go out and fetch the voters out of the country.

1587. You knew people who had some cars?—Some I did and some I did not.

1588. You were told off to send them out?—I was not told off, the personation agents would give the names of those who had not polled, that such and such a one had not polled, and I told them where to go.

1589. How long were you busy in that way?—Perhaps, nine o'clock in the morning to nine o'clock and more in the evening.

1590. Did you furnish an account?—Never.

1591. Not make a demand?—No.

1592. To anyone?—Never.

1593. Are you sure?—I am certain.

200—Sess. 2.

1594. If your name was down for 2*l*. 2*s*., would you be surprised at it?—I do not care if it is down for 7*l*., I will swear I did not furnish an account.

1595. Do you expect to get any payment?—I do not know.

1596. Did you expect to get any payment?—Sometimes I did, sometimes I did not.

1597. Which frame of mind predominated?—Sometimes one and sometimes the other; just up and down.

1598. When are you to be paid?—I do not know.

1599. They have never refused to pay you?—I never asked them.

1600. Were you on the committee yourself?—I was.

1601. Do you recollect being present when the accounts were made out or settled at the committee room on the Monday after the advertisement?—After what advertisement?

1602. Do you recollect a notice about people sending in their accounts?—Yes.

1603. Do you remember the Monday after that appeared?—I do not.

1604. Do you remember then, the meeting of the committee shortly after that?—I remember a meeting of the committee when I was there.

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1605. When

*W. J. Whiteside.*

W. J. 1605. When other people's claims were put  
*Whitehead.* in?—I suppose so.

1606. Was any account of them made out?—  
 18 June I do not know.  
 1880.

1607. Were they talked over in your committee?—It was late when I went in there in the evening; it was almost, perhaps, nine or ten o'clock.

1608. You happen to be there among them, William James Whitehead, and the number on the register?—I do not know anything about the number on the register.

1609. Did you hear your name mentioned?—  
 I know that name when I hear it.

1610. What sum of money was mentioned in connection with it?—None at all, not a penny.

1611. Or claim for canvassing?—Never.

1612. Did anyone say it would not be safe to pay just then?—Nobody; I never heard the words before until now.

Cross-examined by Mr. Macdonagh.

1613. How many years have you been on the committee?—Since 1874.

1614. And anxious for the cause to which you belonged?—Yes.

1615. You voted according to your principles?—I did, sir, and would do again.

1616. Mr. Justice Barry.] You said that sometimes you expected payment and sometimes you did not; now, what was the consideration which led you to be in the mind of expectation?—My Lord, I do not know; I really did not care. I never was paid a halfpenny. I answered it just in the moment in that way. I really could not express such a thing.

1617. Mr. Porter.] Were you canvassing at the last election, in 1878?—Yes.

1618. Were you paid after that?—

Mr. Macdonagh.] I object to that.

1619. Mr. Justice Barry.] We have ruled upon that question?—If you are in any way keen to hear, sir, I will tell you. I was not, sir.

ROBERT LIVINGSTONE, sworn; Examined by Mr. Murphy.

R. 1620. Did you vote at the last election?—  
*Livingstone.* Yes.

1621. Had you any car out canvassing?—  
 No.

1622. None?—None.

1623. On the day of the polling?—No.

[Adjourned to to-morrow morning,  
 at Eleven o'clock.]

*Third Day.—Saturday, 19th June 1886.*

Mr. JOHN HENRY BURKE MURPHY, sworn; Examined by Mr. Murphy.

1624. Over what estate is your father land agent?—Mr. Stewart's, of Arkh.

1625. I believe your father had been unswell prior to the late election?—About four years ago he was.

1626. Prior to the late election was he unswell?—No, he was in Donagel.

1627. Did you canvass on behalf of Lords Hill and Castlerough over the estate your father is agent for?—Most of the Downs estate I did.

1628. Do you recollect canvassing there some Roman Catholic voters?—Yes, I did. I canvassed all classes of voters.

1629. Do you recollect particularly any statements you made on any Roman Catholic voters there, as to their coming to the poll or not?—No, I do not.

1630. Did you direct any of them to remain absent from the poll?—No, I did not.

1631. Did you say at any time that you had done so?—No, I did not.

1632. On the polling day where were you; were you in any of the polling stations?—I was in Banbridge up to about 11 o'clock, and then I went down to Gilford.

1633. In what capacity were you at Banbridge; were you in the polling booth?—Well, I had an appointment as personation agent there.

1634. Did you go in there as personation agent?—I was just in, swearing my declaration. I was not in afterwards, I think.

1635. And remained there up to about 11?—Outside, I did, at the door; at least, about the door.

1636. And you went then to Gilford?—Yes.

1637. Did you go into the booth at Gilford?—No, I had no appointment at all.

1638. Where were you during the day at Gilford?—About the town of Gilford.

1639. Were you up at the polling places?—Part of the time I was.

1640. Now, I want to ask you whether after the election you spoke to any person about having kept voters away?—No, I did not.

1641. Do you know a Mr. Joyce?—I do.

1642. He is manager of some bank?—He is cashier in the Northern Bank at Banbridge.

1643. Were you speaking to him in reference to your canvass?—I do not remember speaking to him.

1644. Did you tell him that you directed any Roman Catholic voters to stay at home?—I do not remember speaking to him at all.

1645. You do not remember anything of the kind being said?—No, I do not; I never said that to any one.

1646. Did any voters, do you recollect, tell you that they had an objection to voting for Lord Castlerough?—Yes, they did.

1647. What did you say when any of them told you that; do you recollect?—I tried to persuade them to go from it.

1648. Did you say if they went to the poll it would be known how they voted?—No, I never did.

1649. Did you say that you would make it known?—No, I did not.

1650. Did you say you would make it known to your father?—No.

1651. Did you show them a letter from your father?—I did.

1652. Have you got the letter?—I have.

1653. Did you read it for them?—Well, sometimes they could not read it themselves, and I did so; but frequently I just gave it to them, and they read it themselves.

1654. Did you say to any of them that you would make known their replies to your father?—No, I did not.

1655. And you did not ask any of them even to stay away on the polling day?—No, I did not.

1656. Did you make any arrangements with respect to some of them coming in?—No, I did not. I had nothing to do with the case.

1657. Or any payments at all?—No, I had not.

1658. What days were you out canvassing?—I could not say. It was principally the week before the election, but I could not say the day.

1659. You went into Banbridge, and got yourself sworn in as a personation agent?—Yes.

1660. As a mere matter of form?—I got sworn in there just before the poll was opened.

1661. But did you not intend to act as a personation agent?—I did.

1662. You merely went into the booth, and came away?—I stayed at the door most of the day, because there were so many personation agents there, I thought there was no use staying in the booth.

1663. Did you remain at the door for some time?—About the door.

1664. And then went to Gilford?—Yes.

1665. A good many of the tenants voted in Gilford?—Nearly all.

1666. And there were, you say, so many agents in Banbridge, you thought it unnecessary to remain any longer there, and you went to Gilford?—I went down to Gilford.

1667. You thought you would be more useful there?—Yes.

1668. What time did you leave?—I think about five or six; I could not exactly say.

1669. Were the other persons agents that were with you at Banbridge?—I did not know them all.

1670. How many were they; I mean the personation agents for Lord Hill and Castlerough that were there; so many that you thought it was unnecessary for you to remain?—About five or six, I think; I could not say.

1671. Can you give me the names of any of them?—I think Mr. Robert Joy was one.

F

1672. What

Mr. J. H. B.

Murphy.

up June

1886.

Mr. J. H. B.  
Murphy.  
19 June  
1880.

1672. What property is he agent for?—I do not know that he is agent at all.

1673. At what place do you know?—Mill Mount.

1674. Who were the others?—Mr. George Howe was one.

1675. What is he; is he sub-agent for the Downshire estates?—Yes.

1676. Who else?—Mr. Reilly was one.

1677. Is that Mr. John Temple Reilly?—Yes.

1678. For what estate is he agent?—Over the Downshire estate.

1679. Is it in his office that Mr. Howe acts as either clerk or bailiff?—Yes, it is.

1680. You have said you do not know whether Mr. Howe is agent over any estate there?—No; I do not know that he is.

1681. Now, there are three who were sworn in there; who were the others? (No answer.) Well, perhaps you may not recollect them all; we will have them in another way; now, had you got any copies of the paper containing the article, "Is the ballot secret"?—No.

1682. Had you seen it at all before the election?—No; I had read in the papers about it, but not otherwise.

1683. Did any of them come to you?—No; certainly not.

1684. You had simply read it in the papers?—Yes.

1685. Was it in the Belfast papers that you saw it?—No; I think it it was in the "Irish Times," I saw it.

Cross-examined by Mr. McDonogh.

1686. Can you inform us how many personation agents there were for Mr. Crawford?—I could not say.

1687. Were there several?—I am sure there were at least six or seven.

1688. You told my friend that you read a letter from your father, and you have that letter?—I have.

1689. Will you be good enough to let me have it? (The letter was handed to the learned

Counsel.) I see it is dated the 2nd April 1880.

"My dear Sir,

"I had hoped to have been able to call upon you personally, to ask your support for Lord Castleragh and Hill at the election to be held on Wednesday next; I find it impossible to do so, as my services are required in the County Donegal, where the Conservative interests have been also assailed, and where I feel my presence may be more useful than on this estate.

"I need not waste words in urging on you the claims of Lord Arthur Hill; the Downshire estates are so close to you, that you must be aware of the beneficial rule which prevails over them.

"Lord Castleragh has equal claims on you as a staunch supporter of tenant right, and as the avon of a noble family, whose treatment of their tenants leaves nothing to be desired. He is moreover the near relative of your own landlord.

"Believing as I do, most conscientiously, that you will best serve the interests of the tenant farmers of Ireland, and gain for them the same blessings as you yourselves enjoy, by voting for Lord Arthur Hill and Lord Castleragh, I earnestly beg of you to do so.

"I have asked my son to wait on you, and I deeply regret I am unable to do so myself.

"Mr. Stewart, your landlord, will esteem your compliance with the request herein made, as a personal favour to himself.

"Yours most truly,  
(signed) "Edwin Murphy."

That is your father?—Yes.

1690. I believe, Mr. Murphy, the very utmost you did in canvassing was to read that letter to those who were illiterate, and to hand it to those who could read?—Yes.

1691. That was really the substance of your canvass?—It was.

1692. Is not it the fact, that you neither intimidated nor used any species of undue influence upon anybody?—It is.

1693. You are charged as the very first on the list of intimidators, and you say that charge is not true?—No, it is not.

Mr. JAMES SHERIDAN JOYCE, Examined by Mr. Porter.

Mr.  
J. S. Joyce.

1694. ARE you in the Belfast Bank at Banbridge?—No.

1695. What bank are you in?—The Northern Bank.

1696. You are acquainted with Mr. Murphy, the last witness?—Yes.

1697. Do you recollect his being in the bank and making a statement in reference to his canvass?—Yes.

1698. When was that?—I could not tell you the date.

Mr. McDonogh.] How is this evidence; a conversation with this gentleman?

Mr. Justice Barry.] He was asked about it; he was asked about declarations that he made in reference to his canvass; we have had such evidence admitted very often.

Mr. Baron Fitzgerald.] Why should it not be evidence, Mr. McDonogh?

Mr. McDonogh.] Was not it after the election?

Mr. Baron Fitzgerald.] I do not know that it matters whether it was or not.

1699. Mr. McDonogh.] When was it that these conversations are said to have taken place?—I think it was before the election, but I could not say for certain; I am not sure.

1700. Mr. Porter.] Was it in the bank that it took place?—Yes.

1701. Did he speak to you about his canvass?—Yes.

1702. About the results of it?—He said he had canvassed the country.

1703. Did he say anything about Roman Catholic voters?—No; he did not mention the name "Roman Catholic."

1704. Did he say anything about any particular

ticular class of voters as regards their politics?—No.

1705. Did he say anything about whether he had succeeded in keeping them at home?—He said some of them persuaded him voluntarily to stop at home, and told him they would stop at home if he wished.

1706. How was that?—When he asked them to vote for Lords Castlereagh and Hill.

1707. Did he say whether they had said they should vote for Lords Castlereagh and Hill?—He said that when he asked them to vote for Castlereagh and Hill they said they would not like to go against Mr. Crawford, but he wished they would stop at home.

1708. Did he not say anything more about his own part in the matter than that?—Well,

he said he thought he had made a very successful canvass, or something to that effect.

1709. Did he say in what particular mode he had made that successful canvass?—No.

1710. Is that all that you can recollect that he said?—Well, we had that conversation about it.

1711. Was he joking about it?—Oh! I do not know that he was joking; he did not appear to be joking with me.

1712. Did he tell you that he said to them that he would be at the polling station and see them?—No.

1713. Or nothing to that effect?—No.

Mr. Porter.] We mean now, my Lord, to give evidence with reference to the Rathfriland district.

Mr. JAMES CLOWNEY, sworn; Examined by Mr. Murphy.

1714. ARE you a voter?—Yes.

1715. And did you vote at the last election?—I did.

1716. At Rathfriland?—Yes.

1717. Had you a car out canvassing?—I had no car canvassing, but I had a car drawing in voters.

1718. On the polling day?—Yes.

1719. And what were you paid for it?—Nothing at all.

1720. What were you to be paid for it?—There was no money offered.

1721. You are quite sure of that?—Yes, I will swear it.

1722. Who engaged your car from you?—Well, I sent in a man; I heard there was cars wanting to be engaged from William Murphy, the bailiff.

1723. Was it from William Murphy you heard it?—Yes, and he told me to bring in the cars.

1724. Who did?—Murphy.

1725. You heard cars were to be employed?—Yes, we were working our horses for wages occasionally.

1726. When did you ever hire out your horse and car before?—Oh! frequently; I drew the voters at elections.

1727. To be sure you did, in 1878, did not you?—No; before the Ballot Act commenced I did.

1728. Oh! ah! you recollect that; did you tell any one that you were to be paid 2*l.* 10*s.* for your cars?—I do not remember.

1729. But you may have said that was your demand?—I do not know that I did say it; I cannot tell.

1730. On what day was it that you heard cars were to be employed, and that Murphy ordered your car from you; I mean how many days before the polling?—Well, really, I could not tell you.

1731. Was it one or two cars that you supplied?—I had two cars.

1732. Where did you get the second from?—From a man who lives on the Marsh with me.

1733. But was it you who brought the two?—Yes; my son drove one, and the man who lives on the Marsh with me drove the other.

1734. Did you say to any one that 2*l.* 10*s.* was your price for the two, 1*l.* 5*s.* each?—I never was offered any money, and no bargain was ever made, and I never got any  
260—Sem. 2.

money; I voted just the same as I would have done.

1735. Oh! of course, according to your principles?—According to the way I always voted; according to my own mind.

1736. That is not what I am asking; my question is this: did you say to anyone that 2*l.* 10*s.* was what you were to be paid; 1*l.* 5*s.* for each car?—No, I do not believe I ever did; I do not remember.

1737. Did Murphy tell you to get two cars?—First he told me to get one, and then he told me again to get another; I told him that I could borrow a car; that I had one of my own, and I could borrow one.

Mr. Justice Barry.] Had you two cars?

Mr. Murphy.] No, my Lord, he had only one.

Mr. Justice Barry.] I mean did he employ two.

1738. Mr. Murphy.] Yes. (To the Witness.) On what day was it, now, that Murphy told you that; how many days before the polling?—Well, I declare that I could not tell you; it might be a week or so.

1739. Did Murphy show you any writing at all?—No.

1740. And you got no writing from Mr. Brush?—I did.

1741. Had it any reference to the cars?—Yes.

1742. Have you got it?—I have.

1743. Is Mr. Brush the agent on the estate?—Yes.

Mr. Baron Fitzgerald.] On whose estate?

Mr. Murphy.] On the Mead Estate, my Lord.

[The Witness handed in a letter:—]

"6 April 1880.

"James Clowney.

"Dear Sir,

"Please take your two cars to Mr. Robert Green's, Cloughskelt, on Wednesday morning, 7th instant, and bring to the poll those whom he may name.

"George Brush."

The Witness.] There is no money mentioned there, I believe.

Mr.  
J. Clansay.  
19 June  
1890.

1744. And you do not intend to get any, of course?—Not a farthing, and I got none.

Mr. Murphy.] But you kept the order for it; we will see how that is very soon.

Cross-examined by Mr. Monroe.

1745. Were you on the committee?—No.

1746. Was there a committee there?—I do not know anything about that.

1747. Do you know anything about the committee formed in the district?—I am not sure; I think there was, but I do not know anything about that.

1748. Do you know that there were people canvassing about voluntarily?—I cannot tell; I know there was a good many people canvassing for both sides.

1749. Doing what they could one side for Crawford, and one side for Hill and Castle-rough?—Yes; more for Crawford. I got a good lot of papers from both parties.

1750. Were there plenty of people going about there for Crawford, and canvassing for him?—Yes.

1751. And did you see his people going in on farmers' cars too?—Yes. I do not say there were not some of them that went in on their own cars.

1752. You neither asked for money, you

never were promised money, and you did not expect any?—No.

Mr. Justice Barry.] He has not said that he did not expect any money, you know.

The Witness.] I am brought here at great inconvenience and expense.

Mr. Justice Barry.] I do not know whether you acquiesce in Mr. Monroe's summing up of this witness' evidence. He has said what I did not hear the witness say, namely, that he did not expect any money. Is that to be taken down on the notes?

Mr. Monroe.] He has sworn it already.

Mr. Murphy.] He did not, indeed.

1753. Mr. Monroe.] I will ask him; did you ask for money?—No.

1754. Were you offered money?—No.

1755. Did you expect money?—Of course I did.

1756. Who said so to you?—No person said so, but I have drawn voters before, and was paid for it.

Mr. Justice Barry.] I thought I was right, and I venture to say it would have appeared on the notes as though he had sworn it. That is one of the results of question and answer reporting.

[The Witness withdrew.

Mr. WILLIAM MURPHY, sworn; Examined by Mr. Porter.

Mr.  
W. Murphy.

1757. ARE you a bailiff under Mr. Brush, of the Mead Estate?—Yes.

1758. How many tenants are there on the Mead Estate?—Well, I could not tell you.

1759. It is a very large property, is not it?—Seventeen or 18 townlands.

1760. Did you engage cars during the election?—I did; some.

1761. From the tenants?—Yes.

1762. Do you know that last man that was examined?—I do.

1763. How many tenants' cars did you engage?—I suppose above 30. I could not exactly tell you, because I did not keep any account of the cars at all. Mr. Brush kept the list himself. I told him who he could get them from; either from Mr. Brush or Mr. Usher.

1764. Who is Usher?—He is the nephew of Mr. Brush.

1765. Did they tell you what tenants you were to go to for the cars?—No, they did not.

1766. What instructions did they give you?—We could not get enough cars in Rathfriland to accommodate the great number of voters that were there, and we sent through the country to the farmers to get cars to bring in some of the men.

1767. Had you any tickets?—No, I had no tickets at all.

1768. Did you get written letters from Mr. Brush?—I did not get any written letters myself; I may have put some in the post-office; I did not give, nor did I get letters to my knowledge.

1769. But you put them in the post-office?—I might or might not have put them in the post-office.

1770. You recollect perfectly well posting them, do not you, at the post-office, Rathfriland; how many letters from Mr. Brush to the tenants

did you post in Rathfriland, I mean about the cars?—I will not say I posted one, but I might.

1771. To whom did you post that one?—I will give you fair play if you will give me fair play; there were messengers sent out with those letters, and I might have given them to the messengers; I do not think I posted them.

1772. Was that for canvassing before the election?—It was not.

1773. Was it on the day of the polling?—On the day of the polling.

1774. And they were to bring up voters?—Yes.

1775. Did you tell them what voters they were to bring up?—There was a list made out for each man as to where he was to lift his voters.

1776. Were they to go more than once?—Where the voters were near the town they were to go more than once, where they were far off they were to go once.

1777. What were they to get?—That is a question I cannot answer; there was no bargain as to what anybody was to get.

1778. What did you understand from Mr. Brush they were to get; what was the rate of pay?—I would expect 1 l. or more.

1779. Was it not fixed?—It was not.

1780. You have heard what Mr. Howe said about it?—Aye; but you know I am not Mr. Howe at all.

1781. Indeed you are not; but were you here, and did you hear Mr. Howe examined about it?—Part of the time, but not all.

Mr. Baron Fitzgerald.] It is no use his giving us evidence as to what Mr. Howe said.

1782. Did Brush speak to you about the price.  
or

or you to him?—I do not think he did; I think his nephew may have spoken.

1783. That is Mr. Usher?—That is Mr. Usher.

1784. What price did he tell you?—I think 1*l*, or it might be more.

1785. Of course the poor men would have to be paid; you knew that before?—Some were paid, I believe; I believe no one furnished a single account to the office nor a single penny for one.

1786. Were you out with the men who had cars after the election?—No, I was not.

1787. Do you recollect on the 17th May going round to the men who had had cars out?—Get on, and tell me what you want to ask.

1788. Did you ask them what they had to say about the cars?—Not at all.

1789. Did you go round to them on the 17th May?—I did not.

1790. Were you employed yourself during the election, except in that way?—I was.

1791. What were you doing?—I was out with Usher canvassing.

1792. Among the tenants?—Yes.

1793. Was the canvassing more than one day?—I suppose, 12 or 14 days.

ALEXANDER GROVES, sworn; Examined by Mr. Murphy.

1803. Is George Groves, your brother, here?—Yes.

1804. Where is he; did you see him to-day here?—He is here in Downs.

1805. You are a farmer, I believe?—Yes.

1806. And a voter?—Yes.

1807. And voted at the last election?—I did.

1808. Was a car of yours engaged?—No, I have no car.

1809. Did you get any car?—I did not.

1810. Did you drive any car?—I did not.

1811. Is William Groves another brother of yours?—He is here.

1812. Is he a brother of yours?—Yes.

1813. Did you go with him to the polling place?—No; I went with my brother George's car.

1794. You say there are upwards of 900 voters in that district?—We did not canvass the whole.

1795. How many are on the Month estate?—I do not know how many; I have told you before.

1796. About how many; 400?—I never counted them, never; I could not give them to you.

Cross-examined by Mr. Kirby.

1797. I see the last number on the list is 972?—Yes.

1798. Had anyone engaged for the day of the polling all the ordinary cars in Rathfriland that could be engaged?—Yes.

1799. But they were quite insufficient to bring in the voters?—We only got 11 in Rathfriland.

1800. Those were quite insufficient to bring in the voters?—Yes.

1801. Is Rathfriland a large district?—Yes.

1802. And a polling district?—Yes; some voters would have to go fully six miles into Rathfriland.

1814. George engaged no car from you?—He did not; I have no car.

1815. Did he engage a horse from you?—He had a horse of mine.

1816. What were you paid for the horse?—I was paid nothing, because I gave him to my brother.

1817. Was it that horse that took you to the poll?—It was not; it was George's horse.

1818. Did William Groves go to the polling place with you?—He did not.

1819. Where is George?—He is here now.

1820. Did George show you any letter at all when he was engaging your horse?—I never saw any letter at all.

[The Witness withdrew.]

GEORGE GROVES, sworn; Examined by Mr. Murphy.

1821. You are a voter, and voted at the last election?—Yes.

1822. Do you live in Rathfriland?—I will not answer until I see what pay I am going to get.

1823. You are sworn now, and you must answer; your proper expenses will be paid?—I was not summoned or told to come here.

1824. So much the worse for yourself; you are there now, and you must answer; did you bring any letter with you?—I have no letter at all.

1825. Did you get any letter from Mr. Usher?—I did.

1826. About engaging cars?—Yes.

1827. What did you do with it?—I gave it to Johnny Bell.

1828. Did you engage any cars for Mr. Usher?—I had three cars there.

1829. How many cars have you yourself?—Two.

280—Sess. 2.

1830. Two that you hire out?—Yes.

1831. Whose was the third car?—I borrowed another car, and I got my brother to go in it.

1832. Who did you borrow it from?—From my neighbour.

1833. Is he a voter?—He is not.

1834. Did you engage any other cars for Mr. Usher?—No.

1835. What were you to be paid for your cars?—I was to be paid 1*l*. 5*s*.

1836. Was that 1*l*. for the car and 5*s*. for the driver?—Yes.

1837. Mr. Baron Fitzgerald.] Were you employed more than one day?—No, I was not.

1838. Was that the polling day?—Yes.

1839. Mr. Justice Barry.] Did you say you keep these cars for the purpose of hiring out?—Certainly I do.

Mr. Macdonagh.] Two cars he has of his own.

r 5

1840. Mr.

Groves. 1840. Mr. Murphy.] Were you paid 3 l. 15 s.?  
 — I have got no money at all.  
 1841. Who made the agreement with you;  
 1839. was it Mr. Usher?—It would be a letter.  
 1842. It would be a letter from Mr. Usher?  
 — Yes.  
 1843. Was it in Rathfriland you voted?—Yes,  
 it was.  
 1844. Did you see Mr. Usher in Rathfriland  
 when you went in; was he in the booth?—He  
 was not.  
 1845. Was Mr. Brash there?—He was not.  
 1846. About what hour in the day were

you in there, about?—I suppose, about 12  
 o'clock.

Cross-examined by Mr. Monroe.

1847. Were there cars engaged by the farmers  
 about for Mr. Crawford?—Certainly there was;  
 I had a car for Mr. Crawford that day, too.

1848. For the same polling day?—The same  
 polling day.

1849. What did you get for that?—I am to  
 get 1 l. 5 s. for it; I am not paid yet.

[The Witness withdrew.]

WILLIAM GROVES, sworn; Examined by Mr. Porter.

W. Groves. 1850. You are a voter, I believe?—Yes.  
 — 1851. And voted at the last election?—Yes.  
 1852. I believe you are a farmer?—Yes.  
 1853. And have a private car of your own?—  
 No, I have not.  
 1854. Did you borrow a car?—No, I had  
 nothing to do with it; I only drove the horse.  
 Neither the car nor the horse were my own.  
 1855. Whose horse was it?—My brother's.  
 1856. Which brother?—Alexander Groves.  
 1857. Whose car?—Johnny Bernard's.  
 1858. Did you get any order from Mr.  
 Usher?—No.  
 1859. Who employed you?—My brother  
 George asked me to drive the horse for him. He  
 was a five-year-old horse, and I drove him; he  
 was a young horse.  
 1860. Who asked you?—My brother Alex.  
 would not take him out himself; I took him.  
 1861. Were you driving voters up?—Yes.

1862. How many?—I had four.  
 1863. You had one go?—Yes.  
 1864. Did you send in an account?—No, be-  
 cause I did not expect anything for it.

1865. How far do you live out of Rathfriland?  
 — Two miles.

1866. Where did you drive voters from?—  
 From Keith Bridge.

1867. How far is that?—It might be four  
 miles; between three and four miles.

1868. Did you get any payment yourself?—  
 No.

1869. Or look for any?—No, I did not look  
 for any.

1870. Did George tell you anything about  
 being paid?—No.

1871. Or say anything about its being divided  
 when it was all done?—No.

[The Witness withdrew.]

DAVID JORDAN, sworn; Examined by Mr. Shaw.

D. Jordan. 1872. You are a voter for the county?—Yes.  
 — 1873. You voted at the last election?—Yes.  
 1874. Were you employed at the last election  
 in any way?—I was not. My son had a car; I  
 had no car.

1875. How many cars had you?

Mr. Maednessgk.] He said he had not  
 any.

1876. Mr. Murphy.] How many cars had you?  
 — My son had just one car; I had not any my-  
 self.

1877. Mr. Shaw.] To whom does it belong?  
 — He borrowed the car; he took my horse.

1878. Who drove the horse?—It was my son.

1879. What are you to get for that?—I had  
 no money, and got none.

1880. Did you go in on the car?—The second  
 time when he went in I came out on it.

1881. Who engaged the car?—I do not know  
 who engaged the car, without it was William  
 Murphy, the bailiff.

1882. Did you expect to get anything for it?  
 — He expected to get something or he would  
 not do it, I am sure. I did not expect to get  
 anything.

1883. Did the horse belong to you?—The  
 horse belonged to me. He took it out.

1884. Does not your son live with you?—He  
 does.

1885. What age is he?—About 15 or 16, I  
 suppose.

1886. He was to get the money?—He was to  
 get what he could; I do not know whether he would  
 or not. The people said it was to be got. The  
 wee chapp was to get what he could.

[The Witness withdrew.]

WILLIAM MACAULAY, sworn; Examined by Mr. Murphy.

W. Macaulay. 1887. You are a voter, and voted at the last  
 election?—Yes.

1888. And had a car engaged there?—Yes.

1889. Who engaged the car from you?—I  
 took it for my own convenience. I took my own  
 car; my little son drove it.

1890. You went on it?—Yes, and took three  
 of my nearest neighbours.

1891. Who gave you any directions about  
 taking your neighbours?—William Murphy.

1892. The bailiff?—Yes.

1893. Did he tell you the price to be paid for  
 the cars?—He did not.

1894. He did not tell you 1 l. 5 s.?—He said  
 nothing to me. I said I would bring in my own  
 cars and about three of my neighbours.

1895. Was



1895. Was it when he came to your house you said that?—No; it was at Rathfriland. I was in there one day.

1896. You heard the price to be paid for the cars?—I heard from other farmers who had cars.

1897. And you were to get 1*l.* 5*s.*?—I do not know what they were to get.

1898. As it was going, you thought you should engage your car?—If it was going, I thought I had a right to it, but I made no bargain.

1899. You have not been paid as yet?—No.

1900. Had you supplied a car in 1878?—

Mr. Mordough.] I object to that.

Witness.] I did not.

Mr. Baron Fitzgerald.] I do not know that it is wanted to satisfy me that these men who engaged cars wanted to be paid. I am

satisfied of that until I hear them swear to the contrary. They do not ordinarily give a car for nothing.

Cross-examined by Mr. Mordough.

1901. I believe you are a member of the district committee there; are you or are you not?—I think not.

1902. It must be another man?—

Re-examined by Mr. Murphy.

1903. Did you receive any notice to come in for payment?—I did not.

1904. Mr. Mordough.] You made no demand for payment?—I did not.

[The Witness withdrew.

JAMES SHILLADY, sworn; Examined by Mr. Porter.

1905. Are you James Shillady, of Cavan?—I am James Shillady.

1906. Are you a voter?—Yes.

1907. Did you vote at the election?—Yes.

1908. Is there any other James Shillady; where does James Shillady, senior, live?—In Cavan.

1909. Is he your father?—Yes.

1910. Is he a voter too?—Yes.

1911. Do you live with him?—Yes.

1912. Did he vote at the election?—He did.

1913. Who has the car?—Neither of us had a car that day.

1914. Had you a horse?—No.

1915. Neither of you?—No.

1916. Is James Shillady here himself?—He is not; he was not served with a summons.

1917. Did you drive?—No.

1918. How did you go in to vote?—I walked.

1919. Did your father walk too?—Yes.

[The Witness withdrew.

SAMUEL MACAULAY, sworn; Examined by Mr. Murphy.

1920. You are a voter and voted at the last election?—Yes.

1921. Did you supply any car at the last election?—Yes.

1922. How many days?—One.

1923. The polling day?—Yes.

1924. Who engaged it from you?—William Murphy.

1925. Who drove it?—My son.

1926. You were on it?—Yes, I was.

1927. Who else was on it?—Three others; my brother and two neighbours.

1928. How far do you live from Rathfriland?—Four miles.

1929. What day did Murphy engage the car from you?—I think it was the Wednesday before the election.

1930. Did he tell you he was engaging the cars about the place?—Yes; he said there was a number of cars. He had cars. It was incon-

venient to get posting cars to bring in the voters.

1931. Did he tell you the rate?—No, not altogether.

1932. Partly; did he intimate it; was it to be 1*l.* 5*s.*?—No.

1933. What did he intimate?—He said on the last election the posting cars cost 1*l.*; he did not say I would get 1*l.* He said if there was a pound going I would get it.

1934. You would get the same rate as others?—Yes.

Cross-examined by Mr. Moore.

1935. Was that about the same rate as was being paid on both sides, Crawford's and the others?—I do not know about Crawford's.

[The Witness withdrew.

MR. ANDREW MCCLELLAND, sworn; Examined by Mr. Murphy.

1936. You are a member of the firm of McClelland and Card?—No I am not.

1937. I beg your pardon?—I am a solicitor practising at Banbridge.

1938. It was in Banbridge, I believe, you acted for Lord Hill and Lord Castleressagh at the last election?—Yes.

1939. Mr. Baron Fitzgerald.] As what?—As local conducting agent.

1940. At Banbridge?—At Banbridge.

250—Sess. 2.

1941. Mr. Murphy.] Was it you engaged the man Miss Allen there?—No.

1942. When did you engage in Banbridge for the purpose of arranging for the cars?—I did not engage anybody.

1943. Had you anything to do yourself, directly or indirectly, with it; did it come under your knowledge as to the mode of engaging them?—There was a car agent in Banbridge.

1944. Who was it?—Mr. Linn.

F 4

1945. Did

W.  
Macaulay,  
19 June  
1880.

J. Shillady.

S.  
Mordough.

Mr. A.  
McClelland.

Mr. A. McClelland. 1945. Did the expenses at all for the cars come through you?—I saw them and checked them.

1946. What was the rate that was to be paid for the cars for the day?—£.1 for an entire day.

1947. And for the polling day?—For the polling day 1*l*. 5*s*. and a farmer was to get for a single run, if he brought four voters, 10*s*.; that was half price.

1948. Was the 1*l*. 5*s*. 1*d*. for the car and 5*s*. for the driver?—Yes.

1949. That was the division made on the polling day?—Yes.

1950. You had cards issued, I suppose, to check the accounts?—There were orders issued.

1951. Were there blocks of those orders kept?—there were.

1952. Have you the blocks of the orders?—No; they were kept by the car agent.

1953. That is, by Allen?—Yes.

1954. Do you know what became of them?—I believe they are in court now; Mr. Card has them, I believe.

Mr. Baron Fitzgerald.] Mr. Card, I think, he says he left them with.

Mr. Murphy.] Mr. Card told us yesterday he had them, and they should be produced.

1955. Who were the gentlemen in the booths at Bankbridge on the polling day?—In what capacity?

1956. As agents; I do not know in what capacity they may have been, but tell me the persons engaged on behalf of Lord Hill and Lord Castlereagh?—There was a booth agent in each booth, of course, and there was another person to assist him, and there were personation agents, who went and came out of the booth as they thought fit.

1957. Who were the personation agents?—Mr. Reilly.

1958. That gentleman, we have heard, was the agent to Lord Downshire in that district?—Yes, and several others; Mr. Smith and Mr. Joy.

1959. Who is Mr. Smith?—A member of our committee.

1960. A magistrate?—Yes, he is.

1961. A landed proprietor, agent, or both?—He is a small proprietor in the neighbourhood.

1962. Is he agent for any property?—No, he is not an agent; he is an owner. Mr. Reilly is the chairman of our committee in Bankbridge.

1963. Who else?—Mr. Robert Joy.

1964. Is Mr. Joy agent for any estate?—No.

1965. Has he his own property there?—I do not think he has any property; he is a gentleman who lives in the neighbourhood.

1966. Who else besides those three?—Mr. George Howe, a clerk from the Downshire office, and also a member of the committee; two or three others.

1967. Do you recollect the two or three others?—There was Mr. James Murphy, I think.

1968. That is the young gentleman who was examined here?—Yes.

1969. Who else?—I do not recollect anybody else just at present.

1970. Were those gentlemen just in and out of the booth; they were more, as a matter of

form, sworn in as personation agents?—Yes, a mere matter of form.

1971. Does the name of any other gentleman occur to you?—Not just at present.

1972. Had any newspapers been sent to you at all for circulation amongst the voters?—They were sent to the committee-rooms from time to time.

1973. Do you recollect any packets of newspapers coming, containing the article about the secrecy of the ballot?—Yes, I think so.

1974. Were these arrangements for the distribution of parcels of those papers amongst the voters at the committee?—Yes.

1975. Was it by hand sent through the scavengers, or through the post?—I think, for the most part, they were posted.

1976. But a great many were sent by hand?—Some were.

1977. Upon whom did the duty devolve of directing them?—To be sent out?

1978. Yes?—The Committee generally, any person in committee; if I was present, I had something to do with it.

1979. Mr. Baron Fitzgerald.] Mr. Murphy means, I think, addressing them?—I think three or four clerks were addressing them.

1980. Mr. Murphy.] It occupied several days?—There were not so many as all that. They were sent out as soon as they came in.

1981. How many to the Bankbridge district?—I do not think there was a hundred; there may have been.

1982. Through whom did they come?—I think they came from the Central Committee Rooms.

1983. Did you keep any account at all of the number?—No.

1984. Did they come in more than one parcel?—I only recollect one parcel of the papers you refer to.

1985. That is the paper containing the article about the ballot being secret?—Yes.

1986. Was there with the paper any slip of any other article or letter, do you recollect?—I do not remember.

1987. See if you can recollect whether there was an accompanying slip at all which you saw printed separately?—I cannot recollect that. I do not think there was with that particular paper.

1988. Was there on any other occasion a separate slip sent out to the voters containing Mr. Finnigan's letter, do you recollect?—I think there was, but I do not know whether Mr. Finnigan's letter was on a separate slip or not.

1989. Was it not a separate slip that came from the committee room; was it not showing how the ballot was not secret?—I do not recollect any separate slip with that paper.

1990. Was there any separate slip relating to the ballot, or how voters could be known?—I recollect a parcel of papers coming; I opened one, and there was a slip in it. I had really too much to do to begin to read slips, and I did not read them.

1991. Was that the parcel of papers that had the article about the secrecy of the ballot?—No, I do not think it was. I have told you already I do not think it was.

1992. It was another parcel that came there with that article?—Yes, as well as I can recollect.

1993. Do you recollect whether the papers that were sent out about the ballot being secret, or not being secret, rather, containing that very article, were marked?—No, I do not think so.

1994. Did you see the clerk directing them?—Yes; they never opened them at all, as far as I can recollect. If there were not wrappers upon them, they put wrappers; some came, I think, with wrappers and some without wrappers.

1995. Some came with wrappers directed?—Not directed at all; that was done by the clerk.

1996. Do you know whether arrangements were made by the committee for any of these being distributed by hand?—Some were distributed by hand and some by post.

1997. About what time, can you give us any idea, was that done; how many days before the election, do you recollect?—I think it was about 10 days before the polling day.

1998. Was the matter discussed about sending these out at more than one meeting of the committee, and arrangements made; I think you said any member of the committee present would arrange to send them out, and that you on some occasions gave directions, and other members of the committee on other occasions did?—Yes.

1999. According to your recollection, it was before the committee on more than one occasion?—No, I did not say so.

2000. How do you say it was discussed?—I think there was only one parcel of these papers came. There was no occasion to discuss it more than once. It was sent out as a matter of course when it came from head quarters.

2001. Do you recollect any parcel of the "Banbridge Chronicle" coming through to the committee rooms?—Yes, I think so.

2002. Were these sent out also?—No doubt there were some sent out. I do not recollect exactly.

2003. Were there a good many of the "Chronicle" sent out?—Of the "Chronicle"?

2004. That article was sent out?—I cannot recollect. We threw a great many on the table.

2005. We know a great many were ordered; were they ordered through the local committee?—I could not say whether the local committee ordered them or not.

2006. Had you anything to do with the Gliford committee at all?—I had; along with Mr. Card, I was conducting agent there also.

2007. Who was appointed as car agent in Gliford at first, do you recollect?—I do not think there was any person held that particular appointment in Gliford.

2008. Do you recollect whether there was any objection, or any dispute, as to any person appointed as general agent in Gliford?—Yes; there were some disputes with the Gliford people on our sending down the Banbridge men instead of appointing a Gliford man.

2009. Allen was appointed?—He was appointed one of the personation agents.

2010. Did a separate parcel of papers come to Gliford?—I could not tell. I never was in Gliford except in the evenings.

2011. You do not know anything about the papers that came there for distribution?—No.

2012. You know nothing about the employment of cars at other places until the accounts came in?—Yes, I knew of the cars; sometimes I signed orders for them, perhaps.

200—Sess. 2.

2013. Tickets to act as vouchers?—Yes; no car was allowed to go out without an order.

2014. An order to prove he had served for the day, and that he was entitled to the payment?—Yes, that was up to the day of the poll. I do not think there were orders for the day of the poll, because we had not time to do it then.

2015. It was understood, on the day of the polling, the payment should be 1*l.* 5*s.*?—Yes, it was, except for farmers.

2016. How do you mean?—There was a distinction made between them and the ordinary car owners; they got 10*s.*, bringing the voters in and taking them home again.

2017. If they were employed for the day, they were to get the same?—If they did a day's work they were to get the same; that is, if they would undertake to ply backwards and forwards through the country.

2018. As to that man, Moses Allen; was there any agreement which you entered into with him as to what he should be paid for his services?—None.

2019. No writing at all?—No.

2020. Was he present with you at any time at the committee room, checking over the accounts for the cars?—No, he was not.

2021. The orders did not come through him; did the demands or application for payment come through him?—I am really not sure; they were furnished to Mr. Muldren or Mr. Macbett; at any rate, they came to Mr. Card, and Mr. Card and I went over them and checked them.

Cross-examined by Mr. Moore.

2022. I suppose you yourself made no arrangement as to the price; you merely gave the order?—That is all.

2023. What was the ordinary price for the day before the polling, any day that a car would be out for the entire day?—For the entire day he would be paid 1*l.*, and for that he was bound to go as often as we wished.

2024. I suppose those were the ordinary posting cars?—Yes.

2025. Did you give any orders yourself for cars for the polling day?—Well, the committee were there, and I joined in giving the orders, I dare say, with the others.

2026. Was there any particular price fixed when you were giving the orders?—Yes, there was.

2027. Was that 1*l.* 5*s.*?—Only if they did the day's work.

2028. Was it 1*l.* 5*s.* if they did the day's work?—Yes; if they pleased the car agent and did what he desired them, they were to get the full price.

2029. Was the arrangement for 1*l.* 5*s.* if they did the work for the polling day?—Yes.

2030. It was quite immaterial to you who drove?—Quite immaterial.

2031. There was a number of gentlemen, whose names you have mentioned, who were engaged on the day of the poll as personation agents?—Were these some of the most respectable gentlemen about the neighbourhood?—They were the most respectable.

2032. It was an object to you, I suppose, to get agents who would act for nothing?—Certainly.

2033. Was that the object in having these gentlemen acting?—It was.

2034. Mr. Justice Barry.] I thought you said that they were merely sworn in as personation agents

Mr. A.  
McCliland.  
—  
19 June  
1882.

Mr. J.  
McClintock.  
19 June  
1880

agents as a matter of form?—Yes, pretty much as a matter of form; they were not paid, and did not expect payment.

2033. Mr. Moore.] Is that what you mean when you say "as a matter of form"?—Yes.

Mr. Murphy certainly put the words into your mouth.

2036. Mr. Murphy.] I asked him, and he said they were only in and out and did not stay there?—No; they did not stay there in the booths all day; that is what I meant.

2037. Mr. Moore.] Did they come in and go out?—They came and went as they thought proper; we did not seek to control them.

2038. Were these personation agents on behalf of Major Crawford?—Yes.

2039. Were they also as respectable?—Not nearly so respectable, I think.

2040. There were gentlemen there acting on behalf of Mr. Crawford in the same way as the more respectable gentlemen were acting on your side?—Yes.

2041. Quite as numerous?—I think, more.

2042. Were they acting as the gentlemen on your side were acting?—Much more actively and much more busy.

2043. Did you see any of these gentlemen in the booths, either Mr. Beilley, Mr. Joy, or any other gentlemen, attempting in the smallest degree to interfere with the voters?—I never heard one of them open his mouth in the booth.

2044. You did not see any pressure or intimidation practised upon the voters?—Certainly not.

2045. You were asked as to the papers coming down to be distributed; were there large bundles of papers coming down from time to time to the Banbridge committee room for distribution among the voters?—Yes.

2046. Containing accounts of meeting at which Lord Hill and Lord Castlemagh had been addressing the electors in the different parts of the county?—Yes.

2047. These would be distributed in the ordinary way, by hand and by post?—Yes.

2048. Did you see any of the slips sent down either from or through the Whig office, for distribution among the voters at Banbridge, containing the letter of Mr. Finnegan; the attacks on Mr. Finnegan, rather?—I do not recollect.

Re-examined by Mr. Murphy.

2049. My friend said, I put it to you "as a matter of form," did those gentlemen you have mentioned really discharge the duties of personation agents during the day there, or were they in and out of the booth, and not mixing it much?—They were not mixing it much.

2050. They were just appearing in the booths?—They were members of the committee, and

were anxious to do everything they could, but did not interfere much.

2051. You said to my friend, or rather my friend asked, whether if a day was for the regular posting card; do you mean to say that the farmers' cars were not employed prior to the polling day?—I did not say so.

2052. You really did?—I did not say so.

2053. In point of fact, were they not employed prior to the polling day?—They were; they were employed the night before the poll, as well as I recollect, to do the duty upon the polling day.

2054. What I mean is this; were they not acting prior to that during some days in canvassing, for the purpose of taking gentlemen about canvassing the voters?—They were not in the Banbridge district.

2055. Were they in the Gifford district?—I believe they were; but I had nothing to do with that.

2056. Did you not tell me the distinction was made, 1 l. for the car and 5 s. for the driver, on the day of the polling?—Yes, I said so.

2057. Mr. Justice Barry.] As a matter of fact, was not the appointment of personation agents merely on both sides a device for securing the presence in the booth of different people?—I think it was no doubt to secure the presence of gentlemen who took an interest in it.

2058. Mr. Moore.] Will your lordship permit me to ask this: were there at Banbridge or Gifford, as far as you saw, any landed proprietors or landed agents acting as personation agents for Mr. Crawford?—Well, there was Mr. Ferguson, a magistrate of the county, who lives in the neighbourhood, and he has some landed property, I believe, a very nice place, and considerable influence.

2059. He has a nice place, but has he a tenant in the world that you know of; has he a single tenant in the district that you know of?—Well, he is not what you call a landed proprietor, with an estate with a lot of tenants upon it; but he has several tenants in his own employment who work about his house; that is the only sort of tenant that I know of. He is a very large employer of labour in the neighbourhood, and has a great many houses upon his property.

2060. Mr. Justice Barry.] Has he many voters in his employment?—He has, my Lord, several; and Mr. Lindsay was also another agent, I think, a personation agent also for Mr. Crawford, and he has a good deal of property, and a good many people in his employment also. He is one of the largest employers of labour in the district.

2061. Mr. Moore.] Lindsay is?—Yes.

2062. With plenty of voters?—Plenty of voters, and influence, and money, and everything of that sort.

2063. He is a magistrate also, as well as Mr. Ferguson?—Yes, and he was present, I suppose, for the same device.

Mr. CARD, recalled; Examined by Mr. Porter.

Mr. Card.

2064. You said you would give me to-day the accounts and documents that I asked for?—I sent to Banbridge, and I got all the documents that I think are valuable (sending some documents to the learned Counsel).

2065. What district is this in?—That is the Banbridge district.

2066. It does not, as a matter of fact, appear upon it?—However, that is the real Banbridge district.

2067. And is this a complete list of the cars employed, as far as you know?—It is a complete list of the cars employed up to the day of the election.

2068. Not

2068. Not including the day of the polling?—Well, it does as far as the parties on that list are concerned. That was the regular car register that we kept.

2069. Yes, I see you are quite right, and that it does come down to the 7th, inclusive?—Those were all the cars employed up to the day of the election.

2070. Have you any list of the other cars employed on the day of polling?—This is all I have been able to get; this was the list for the day of the election. It was pasted up, and part of it has been lost. It was just got up in the very same way, stating the parties that were to go with them. I find some farmers are there, and some are not who really had cars there.

2071. Now, with regard to the dockets?—The dockets will not give the farmers, as I told you before. We had not time to get them out; in fact we ran out of dockets before the election, and for that reason we had a car register got up, which will give you the same as the dockets.

2072. Were these all under the regulations of Mr. McClelland, as mentioned?—What regulations?

2073. He said 1*l.* per day before the election, and 1*l.* 4*s.* on the day of polling?—Yes, if they undertook to do a day's work, they were paid that.

2074. Or 10*s.* in their own districts?—Yes.

2075. That applies to all in the Banbridge district whose cars were obtained?—Certainly.

2076. Have they been paid?—I understand some have been paid. I know, as a matter of fact, some are not; but those that are not paid will be paid. It is simply a matter of mistake about the accounts.

2077. Now, as to this document that was put up in the tally room?—That was put up for the information of the carmen on the day of the election.

2078. For instance, "Two cars to be at Mr. David Todd's, Glencow, at eight o'clock, ten voters?—Exactly."

2079. Then, "one car to go to William Copeland's, car to be in charge of W. Copeland and W. Henry; car to be at Mr. Copeland's at eight o'clock?"—Exactly; that was the one we had on the day of election.

2080. These these lists speak for themselves; have you brought any dockets?—Those are all the dockets I have. I got all the documents in my office or the committee rooms sent down to me.

2081. Are these for the Banbridge district?—Yes.

2082. "Banbridge" (this one begins) "and Gilford." Then the next is "Gilford, McClelland and Card;" the next is Hillsborough,

McClelland, and Card?"—If you hand that to me, I can explain it. (The document was handed to the witness.) That was the first order we issued, and we were appointed jointly for the districts of Banbridge and Gilford. If we wanted a car to go down to Gilford with any of our messengers, we put on it Banbridge and Gilford. Here you find Hillsborough; that means that car was to go to Hillsborough with Banbridge parties.

2083. I understand that. Now you have said this is not complete; do you know how many other sheets there were?—It was pasted in several sheets.

2084. Then that will be the end of it?—That will be the end of it.

2085. How many were there?—It just represented a district. I suppose there would be another at the top; I do not think there would be more.

2086. Does this distinguish between those that were farmers and those that were not?—It would not.

2087. Can you distinguish?—Yes; I distinguished for you yesterday.

2088. Just take that car register?—I do not think there is a single farmer on the car register. The only case I find on the car register of a farmer is "J. Brown," but I find that was for the day of the polling. I find also "William McCullough," and that was Megaw's car, that we talked about yesterday. At the time we engaged the car we did not know it was Megaw's; and, therefore, it was put on the ordinary car register, not till after the election. James Brown is on this list, the party that was mentioned before. I do not see any others on this list.

2089. Then that does not give the farmers?—It does not, and in some instances I may say we have not the farmers' names down, because we do not know whether they would come in or not, and I had to take the names of the voters. I do not wish to deny any farmers that we had.

2090. Nobody is making the slightest suggestion of the kind; as far as you know, the general regulation was observed with regard to all the farmers whose cars were used?—It was, certainly; and they were generally members of the committee.

2091. Now here is one, "James Samuel Joyce," a farmer, who was paid 1*l.* 5*s.*?—That was in the Gilford district, and of course it was entirely left to the local committee that were in Banbridge.

2092. How many farmers, can you tell me, were so employed in Banbridge?—In the list you read over yesterday I think I pointed out the most of them.

Mr. Card  
19 June  
1882.

DAVID DIXON, sworn; Examined by Mr. Murphy.

2093. You are a voter, and voted at the last election?—Yes.

2094. Was your car employed for the day?—No.

2095. Whose car was it you came in?—It was Mr. Jennings'.

2096. And did Hugh Dixon come with you?—No, he did not come on the car with me. I

260—Sess. 2.

beg your pardon, I think I am the wrong man. Mr. Finnegan will tell you I am not the right man.

2097. Are you David Dixon of Dummo-donald?—No; I am David Dixon of Buncastle.

2098. Then you are quite right in thinking you are the wrong man?—Then I may retire.

Q 2

JAMES

D. Dixon.

JAMES SPIERS, sworn; Examined by Mr. Porter.

J. Spiers.  
19 June  
1880.

2099. Do you live at Drummondonald?—Yes.  
2100. And you are on the list of voters?—  
Yes.  
2101. And you voted last time at the election?  
—Yes.  
2102. You are a farmer, I believe?—Yes.  
2103. Do you keep a car of your own?—No.  
2104. Have you a horse?—I have two.  
2105. How did you get to the poll on the day  
of the poll?—I went on a neighbour's car.  
2106. Where to?—Into Rathfriland.  
2107. Was it your horse?—No.  
2108. Whose horse was it?—A neighbour's.  
2109. Was your horse engaged on the day of  
the polling at all?—No.  
2110. What was the name of the neighbour?  
—Spiers.  
2111. What was his Christian name?—James.  
2112. Does he live in the same town-land?—  
Yes.  
2113. Then he is James Spiers of Drummond-  
onald?—Yes.  
2114. Did he drive the car himself?—His son,

2115. Who else was in the car besides the two  
of you?—William Gibson.  
2116. Was he a voter?—Yes.  
2117. Was the other James Spiers a voter?—  
No, the driver was no voter.  
2118. Was the father?—Yes.  
2119. Did he go and vote too?—Yes.  
2120. Do you know anything about the hiring  
of the car; who told him to bring the car?—I  
could not say that. He was an old man; he was  
not fit to go out, and his son took a car, and he  
told me if I liked to go along he would let me go  
with him.  
2121. Did he pick up another man?—I could  
not say.  
2122. Is the old man here?—No, I think not.  
Cross-examined by Mr. Monroe.  
2123. What age is the old gentleman?—He  
may be 80.  
2124. And what age is the wee boy that drove  
the car?—He is coming man's age.  
2125. What do you call that?—Twenty-one.

[The Witness withdrew.]

JOHN WIGHAN, sworn; Examined by Mr. Shaw.

J. Wighan.

2126. You are a voter, and you voted at the  
last election?—Yes.  
2127. Were you employed in any way at the  
last election?—Well, my wee boy heard a rumour  
that there was money for the car, and he borrowed  
one, and took it in; and I heard a rumour too,  
but nobody promised me any.  
2128. Did the wee boy get the car?—He  
borrowed one of a neighbour.  
2129. You had no car of your own?—No.  
2130. Had you a horse?—Yes.  
2131. He took your horse, I suppose; what  
age is the wee boy?—About 17.  
2132. Have you got any money?—No.  
2133. Has he?—Not a penny.  
2134. Has he asked for any?—He never  
asked.

2135. He expects to get it?—

Mr. Macdonagh.] I object.

2136. Mr. Shaw.] This rumour that you heard  
raised your hopes of money?—It might have  
raised the wee boy's, but I paid little attention  
to it.  
2137. The wee boy lives with you, does not  
he?—He does; and if there was any going, he  
was to get it.  
2138. Do not you give him his living?—Ob,  
yes.  
2139. Mr. Kinley.] I suppose he does a day's  
work?—Some days he does.

[The Witness withdrew.]

WILLIAM PORTER, sworn; Examined by Mr. Murphy.

W. Porter.

2140. You are a voter, and voted at the last  
election?—Yes.  
2141. And who engaged your car?—I had no  
car in the place at all.  
2142. Was it your father's car that went there?  
—No; we have a car, but it was not there at  
all.

2143. Whose car did you go in?—Samuel  
Rohan's.  
2144. He is of Mulshaney too?—Yes.  
2145. Who else went with you?—My brother  
and I.  
2146. And Rohan drove his horse and car  
there?—Yes.

[The Witness withdrew.]

SAMUEL ROHAN, sworn; Examined by Mr. Murphy.

S. Rohan.

2147. You are a voter, and voted at the last  
election?—Yes.  
2148. Who was it engaged that car you drove  
in, your own car and horse, that day?—There  
was no one engaged it.  
2149. Was William Murphy talking to you  
about it?—There was not.  
2150. And who told you that 1 l. 5 s. was to  
be the money for the day?—There was no man  
told me any such a saying.

2151. And who gave you any directions about  
the car at all?—I took the car for my own  
accommodation.  
2152. And took your neighbours with you?—  
I took two neighbours with me; I took them  
on the road; and I took my own car for the last  
election in 1878 for my own accommodation, and  
also on this occasion.  
2153. Nobody was speaking to you about the  
payment of it? William Murphy?—Not a man.  
2154. No

2154. No note came to you?—Well, there was a little note.

2155. Just a wee bit of a note; what did you do with that wee bit of a note?—Well, I do not know; I took no notice.

2156. What became of the note?—I could not say.

2157. Where did it come from?—Well, it was signed by Brush.

2158. Is he the agent?—Yes.

2159. And was it telling you what would be allowed for the cars?—It was not; there was no money mentioned.

2160. Only that your car would be required for that day?—Well, it did not say "required," and I was taking it for my own accommodation.

2161. Wait a moment; you got a note from Mr. Brush?—Yes; that did not induce me to take it. I took it on my own account.

2162. What did you do with that little note you got?—I could not say.

2163. Did you see any more notes like it with the neighbours?—I did not.

2164. And did it come to you by post, or did anyone bring it to you by hand?—Well, it was left in the house; it was not given to me.

2165. And you do not know who left it there?—Well, I could not say whether it was—

2166. William Murphy, or the other man?—It was not William Murphy.

2167. And who is the other man that was there; the bailiff?—There was no bailiff.

2168. Who was the other man that was sending the notes to you?—Well, I think it was the bailiff's son.

2169. Is that William Murphy's son?—Yes.

2170. What is his name?—I could not say.

2171. What day did the son of the bailiff leave the little note from the agent of the estate on?—Well, I think it was the day before the polling.

2172. And you took the car the next morning, and brought in two voters with you?—Yes.

2173. Did the note tell you what voters you were to take in?—Of course, but I did not bring them in.

2174. You did not bring those that the note mentioned?—

2175. Mr. Baron Fitzgerald.] He says he did not, but overtook them on the road?—Yes, and I did not leave any way for them.

Mr. Macdonagh.] You may go, Mr. Porter.

[The Witness withdrew.

JOHN SKILLEY, sworn; Examined by Mr. Porter.

2176. Do you live in the townland of Drummalsadd?—Yes.

2177. What estate is that on?—On the Mead estate.

2178. Of which Mr. Brush is agent?—Yes.

2179. You voted at the last election?—Yes.

2180. Have you a car?—Yes.

2181. Was your car hired for that day?—I got a note from Mr. Brush to take it.

2182. And did you take it to bring in voters?—Yes.

2183. Were you in more than once that day?—No.

2184. I suppose you have not been paid yet?—No, I never got anything.

2185. Have you got the note from Mr. Brush about you?—No, I have not.

2186. Where is it?—I do not know where it is; I do not keep any papers I get.

2187. Did you give it to anybody?—No; it might be in the house.

2188. He directed you where you were to go; what day was it you got the note?—The evening before; it was in the house when I came in.

2189. Who brought it?—I could not swear.

2190. Who did they tell you brought it; was it Murphy or the son?—I think they told me it was David Murphy.

M. Macdonagh.] You can go, sir.

[The Witness withdrew.

JAMES ROHAN, sworn; Examined by Mr. Shaw.

2191. You are a voter for the county?—Yes.

2192. And you voted at the last election?—I did, and at the election before that.

2193. Had you a car engaged on the day of the poll?—My son and my own car; I was not fit to travel. He drove me, the same as he did the election before that.

2194. How many voters did you take in?—I took none but two men that we overtook on the road.

2195. Did you get any note asking you to take in your car?—Well, I think my son had

some conversation with Mr. William Murphy about it, but I know nothing of it.

2196. William Murphy is the bailiff on the estate?—Yes.

2197. Did you not get a note from Mr. Brush?—No, and I never asked him about the car, nor for money.

Cross-examined by Mr. Kibbey.

2198. What is your son's name?—David.

[The Witness withdrew.

ROBERT MARTIN, sworn; Examined by Mr. Murphy.

2199. You are a voter, and voted at the last election?—I did.

2200. Did you send in your car on the day of the polling?—I went in on my own car on the day of the polling.

2201. Who came to speak to you about the

car?—No one came to speak to me about the car.

2202. Did you get any note about it?—No.

2203. From Mr. Brush?—No; I went in on my own car, and my own man drove me in.

[The Witness withdrew.

JOHN

JOHN BELL, sworn; Examined by Mr. Porter.

J. Bell. 2204. ARE you a voter in the Rathfriland district?—Yes.  
 19 June 2205. You voted at the last election?—Yes.  
 1880. 2206. Was your car out?—It was.  
 2207. Did you get an intimation from Mr. Brush?—Yes, I got a note.  
 2208. Was that the day before?—Yes.  
 2209. To take your car, and to pick up other voters?—Yes, he requested me to bring in myself and the "three following voters."  
 2210. Did he give you the addresses?—He did not give me the addresses; I knew the men.  
 2211. And you took them in?—I did.  
 2212. I suppose there was nothing about money in the letter?—Not a word.  
 2213. And you have not got anything yet from him?—No, indeed I have not.

Mr. Baron Fitzgerald.] Do you propose to prove that persons who hired these persons for cars were paid.

Mr. Porter.] No, my Lord.

Mr. Baron Fitzgerald.] I thought that was what you said you would establish.

Mr. Porter.] We will prove that Mr. Brush, as agent for the respondents, engaged the cars.

Mr. Baron Fitzgerald.] So that every carman who is hired is a person employed.

Mr. Porter.] Yes.

Mr. Baron Fitzgerald.] Well, I thought that was what I said yesterday was not the case. I suggested then that if some profit was made by the persons who employed them, and that you thought you would have evidence of that there would be something in it, but that, we ought not to go on with this until we had that evidence. I confess my opinion is very strong.

Mr. Justice Barry.] Well, I think the evidence is rather strong. Still that was rather my view also, at an early part of yesterday.

Mr. Baron Fitzgerald.] If my brother is not satisfied, we had better go on.

Mr. Justice Barry.] I am rather inclined to think they are not persons employed.

Mr. Baron Fitzgerald.] Then we had better have the question argued. The only argument I heard mentioned was, that one of these Acts was stronger than the other. That was the main argument, and that was on the words "like employment;" but an argument of the same kind, and a much stronger one, might be used on the other side. These persons were hired. Now, the word "hired" is in one Act and it is omitted in the other. I do not think the argument would be worth attending to if it were used, but at least it is just as good as the other one. You will find the word "hired" is in the first Act and omitted in the next.

Mr. Murphy.] If your Lordships are prepared to decide the case here, I will address your lordships upon it.

Mr. Baron Fitzgerald.] I am not wanting to shut you out of evidence, but it is no use hearing evidence as to fifty or a hundred cases if we are satisfied that if you were to prove a thousand it would not make your case better.

Mr. Murphy.] Of course, if your Lordships thought there was a serious question involved, you might reserve the question.

Mr. Baron Fitzgerald.] I have not any doubt about it at present. The Act makes a distinction between the agent by whom they are to be employed and the agent who is to provide, and the conveyance that is provided. I allude to 20 and 21 of the Queen.

Mr. Murphy.] In this case we have proved that they were to be given, on the day of the polling, 1*l*. for the car and 5*s*. for the driver. Now, supposing any man was taken and brought into the polling place, and employed as a clerk or a messenger for the day, no matter what he got by way of reward for his services, clearly, I respectfully submit, he would come within this section. What distinction there is to be made by giving the voters (the extent of the reward will not be considered by your Lordships) giving to men who were not accustomed on other occasions to hire out cars.

Mr. Baron Fitzgerald.] What is it but hiring cars? The whole question is, whether they are employed within the meaning of the Act.

Mr. Murphy.] Of course I see that; but what we would submit to your Lordships is, that if they are employed on behalf of the candidates "for all or any purposes of the election," it comes within the Act. In the first place, I say they were employed for the purposes of the election, both the cars and the drivers; in what capacity, "as agent, clerk, messenger, or in any other employment." Well, my lord, supposing a note was sent by Mr. Brush to one of these voters, "Do you go in the morning and tell your neighbours, three or four in number, to go in to poll with you, and for doing that you will be paid say 10*s*. or 5*s*."

Mr. Baron Fitzgerald.] Then I should say the person employed was the person who gave that message to them; I should not say that the party hired by him was a person employed within the meaning of the section.

Mr. Murphy.] If Mr. Brush has the power to engage such a messenger—

Mr. Baron Fitzgerald.] Certainly, he is employed for that purpose.

Mr. Murphy.] He is the agent and he has the power to employ the messenger, and if he engages messengers, and those messengers vote—

Mr. Baron Fitzgerald.] He has the power of



of mending glasses in the committee room when they are broken, and for the purposes of the election. The man who mends a pane of glass in the committee room is employed for the purposes of the election just in the same way as the carmen.

Mr. Murphy.] I submit not. If a man is employed in the ordinary purposes of his trade, he is not employed for the purposes of the election in the same way as a person who is employed as a clerk. Supposing Mr. Brush brought in any one to act as clerk in the tally rooms, undertaking to give him 1*l.* or 5*s.* for the day, would not he be employed for the purpose of the election?

Mr. Baron Fitzgerald.] I am inclined to think he would. The line must be drawn somewhere.

Mr. Murphy.] Would he be entitled to vote?

Mr. Baron Fitzgerald.] I should be inclined to think not; but when the case comes before me, I will decide it.

Mr. Murphy.] Of course, my Lord, I am only putting it argumentatively; I do not claim an answer from your Lordship. I say, supposing Mr. Brush put in a man to do business, paying him 5*s.* for the day for doing business in connection with the election, and supposing he sent that person to summon in a certain number of voters instead of being employed for so many hours in the office, he would then be employed as a messenger for the purposes of the election, and would be incapable, I respectfully submit, in the same manner, of voting. What is the difference? Supposing he writes a note to a carman, and tells him "You with your car, which is to be driven by yourself, and for which you will be paid so much, go to such and such and such a person, and you will receive such and such payment for it." I submit he is employed in the same way as any other messenger would be for the purposes of the election, and certainly comes under the very large language that follows, "clerk, messenger, or in any other employment." He is employed for the purposes of the election, and he cannot subsequently vote at the election. The obvious intention of the Act was in order to prevent—

Mr. Baron Fitzgerald.] It was not certainly to prevent the party from hiring cars.

Mr. Murphy.] I think the object was to prevent the scattering about of money amongst persons who were voters; and in cases where it may be difficult for the court to ascertain—

Mr. Baron Fitzgerald.] There is no distinction of that kind in the Act of Parliament. If your argument is right, it would apply equally to any person who was employed on the car, whether he was a farmer or not. That is the only way you can bring it within the Act of Parliament.

Mr. Murphy.] In this way there is a distinction, I respectfully submit. Supposing my gentleman, acting as agent for Castle-rough and Hill, went prior to the election to a scrivener's office, and got him to do such and such work for them as clerks, I do not think that he would come within the terms

of the statute, so as to be employed as a clerk for the purposes of the election; but if he gets a person not accustomed to act in that calling before, who is not a regular professional scrivener or accustomed to act as clerk, and if he employs him for the purposes of the election in the committee rooms, or even at his own house, giving him so much reward, he would then come within the terms of the section; and in the same way we contend that the farmer who never has been accustomed to hire out cars, is being no part of his occupation—

Mr. Justice Barry.] That would be a reason for holding in any particular case that the employment was colourable, which is another affair altogether.

Mr. Murphy.] I know, my Lord, it is a different question.

Mr. Justice Barry.] It is difficult to find the distinction you rely upon in this section as to paid agents. You see you are assuming now that we are not to construe the section of the Ballot Act by the previous Act, which contains the words "or the like employment."

Mr. Murphy.] I know your Lordship has referred to that.

Mr. Justice Barry.] No, I was wrong in that; that was not the Act referred to there; it is the "Representation of the People Act."

Mr. Baron Fitzgerald.] It seems a pure waste of time; but, however, we will not decide it without hearing you. On the other hand, there is no use going on with the same thing over and over again to no purpose.

Mr. Murphy.] I apprehend we could easily show, supposing the majority was 20, that there were considerably more than 20 persons regularly paid, and although my friends may say, "We can reduce that by pointing to instances on the other side," still, when the facts are once ascertained for your Lordship's decision, then, in such a way as you may choose, your Lordship could either decide it yourselves, or, if you were pleased to reserve it, we need not go further on this part of the case.

Mr. Justice Barry.] The Cheltenham case is Justice Wille's decision. According to the extract given here, it does not appear to have been reported in O'Malley and Harcourt; it is in the Parliamentary Report of the Judgment: "With regard to the fly driver, I do not see what that case is at all," &c. (reading to the words, "within the Act of Parliament at all").

Mr. Murphy.] The way it is reported in the Southampton case, in O'Malley and Harcourt, is in these terms: "According to my view of the case, it is not bribery to employ a man's cab and pay him for it," &c. (reading to the words, "in the words of Section 11").

Mr. Baron Fitzgerald.] Was that under the Ballot Act?

Mr. Murphy.] No, my Lord, it was under the 11th section of the Representation of the People Act.

Mr. Baron Fitzgerald.] There would be

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no distinction in this case between a decision under the Ballot Act and a decision not under the Ballot Act, except there be some difference in the two provisions.

Mr. Justice Barry.] They rely on the omission of the word "like."

Mr. Baron Fitzgerald.] I know, and the word "hired" is also, on the other hand, omitted. The real thing is this, the Ballot Act does not, in point of fact, avoid the vote at all. There is no provision avoiding the vote in it; and what they mean to deal with is, Acts that were void already by the Legislature.

Mr. Murphy.] Yes, in order not to be at the trouble of ascertaining which way the men voted. That is so, except, no doubt, with regard to the omission of the word "like."

Mr. Baron Fitzgerald.] The omission of the word hired seem to me to be stronger.

Mr. Justice Barry.] You see it uses the general term there, "undue influence."

Mr. Murphy.] Yes, my Lord.

Mr. Justice Barry.] Well, now, you will find the section on undue influence deals with a great many things, and it plainly refers to all that was contained in the previous section.

Mr. Murphy.] Yes. In the judgment of of Justice Willes that I read to your Lordship, he draws a distinction between the employment of cabmen, as he says, in the ordinary capacity (that does not come within the section, in his opinion), and he says, "It must be some case in which the payment is substantially wages or salary for personal services." In this case is not it clearly so? Suppose, we will say, they get 1*l.* for the horse and car and 5*s.* for the man himself. Is not that clearly "wages for personal services" to a man who has not that as an ordinary employment at all. He has never been accustomed to hire out cars. He gets this direction: "Your business to-morrow for my service is to go to this and that place, and to take up such voters, or to stop at such and such a place, and when you meet such and such voters, to take them up and take them to the poll, and for that you will get a certain reward, which I divide in this way, so much for your horse and car, and so much for your personal services." I respectfully submit that, according to the decision of Mr. Justice Willes, that would be held to come within the 11th section of the statute of 1865, and does come within the 25th section of the Ballot Act of 1872.

Mr. Baron Fitzgerald.] What do you say, Mr. Macdonough?

Mr. Macdonough.] I respectfully submit to your Lordships that the case is perfectly clear, and really hardly requires argument.

My Lords, the case is this, not as a charge of bribery against my client, Lord Castle-rough, not a charge of a colourable hiring; but it is an allegation that persons whose cars and horses took the voters to the poll were paid agents within the true meaning of the Act of Parliament; paid agents of the candidate, and that in fact they committed a misdemeanour. That is a startling proposition,

when you regard what the Legislature has done. They have forbidden in most boroughs (it was in every borough) the hiring of conveyances to bring voters to the poll. They were superfluous, unnecessary, in the limited sense of a borough. But in large counties such as this immense county of Down, it would be virtually withdrawing the freedom of election completely, unless parties were at liberty to bring voters to the poll. It is perfectly innocent in all respects, and if we were arguing the question even upon colourable agency, I would submit to your Lordships the decision of a very eminent and accurate judge, Mr. Justice Fitzgerald who decided in the case I have before me that payment of voters for conveying other voters to the poll was not colourable. It was proved that there was considerable difficulty in providing conveyances for voters living at a distance to go to the poll, and that certain voters who owned cars were induced to lend them for the conveyance of other voters, and were paid for so doing. It was contended by the petitioners that these payments to voters were mere colourable payments, either as a reward to them for voting, or to induce them to vote. Mr. Justice Fitzgerald, in his judgment, after stating that he had come to the conclusion that this was not a colourable proceeding, made the following remarks upon it:—

"I think it was a step of a very dangerous character; it brought the parties to the very verge of the law, and it would have required very little, if payments were actually made, to come to the conclusion that they were made to influence the vote, and so to void the election on the ground of bribery."

The case before Mr. Justice Willes is always cited in the best text books as showing that a cabman, unless you can prove a supervised agency, that the mere taking of voters by a cabman to the poll cannot imply in the slightest degree paid agency for the candidate. It is proved here beyond doubt that there was great difficulty found in procuring cars, but, of course, each party was exceedingly anxious to have as many cars as possible, and it was shown to your Lordship clearly that at the small town of Hillsbro' there were very few, and the posting establishment had ceased to exist, so that it was absolutely necessary to endeavour to procure cars, because otherwise the voters could not be brought to the poll, and could not exercise their rights.

Then, in this case, was anything more completely calculated to exclude the idea of a paid agency man than this? It is like printing or anything else. The thing to be purchased or done was at a limited and moderate tariff; 1*l.* a day for the entire day, if it were occupied in the laborious duties of going to and fro; 1*l.* 5*s.* on the polling day, when the duties would be more arduous. In the case of a farmer who merely took in his voters, who did not remain going to and fro, he was to receive the sum of 10*s.* for that. In this case the idea is so monstrous really, that it is difficult to argue against what is so plain a proposition, or in support of a proposition which is so manifest as that which I submit to your Lordship. Taking the Representation

presentation of the People Act, and the Ballot Act subsequently, your Lordship will find this: "No elector who, within six months before" (&c., down to) "guilty of a misdemeanour." It is quite manifest that what was pointed at was a prevention of the hire of the personal services of the individual *ad agent, canvasser, clerk, messenger, or any other like employment*, that is to say, employment *quoad generis*, and of a similar nature or character. That is, where the voter was to do the thing for which he was paid, not at all in connection with the hiring of the particular car in question, but entirely originating and terminating in him as canvasser, clerk, messenger, or any other like employment. Thus "when any person employed for reward," &c. (the learned Counsel read down to the words) "at such election." The result then follows, "that, on a scrutiny" (the learned Counsel read down to), "as aforesaid." I need not advert, my Lords, to what would arise about the peculiarity of that language upon another question which might arise, but has not been raised. But it is perfectly plain that this also applies itself exclusively to the exercise of the individual's power and capacity, either mental or physical, employed for the purpose of such election for reward as agent, messenger, or in any other employment.

It is true that the word "hired" is dropped, which makes it rather stronger for us; but I do not attach very much importance to that. I put it upon this very clearly, after the views which your Lordships have respectively enunciated, and the decisions, so far as they go, are perfectly in accordance; and I hope that my learned friends will, after the suggestions made by the Court, endeavour to narrow the case, and not to keep us here at such an enormous expense, which can never be recouped, because the 1,600 l. would never suffice for the purpose; while, on the other hand, the reservation of any such questions for another court upon so small a matter would involve us in further expensive litigation, and I am quite sure that all parties would rest quite content with the decision of the Bench that I have now the honour to address.

Mr. Moser.] My Lords, we start with the consideration of this question by a reference to the 21 & 22 Vict., which legalises the payment of the conveyance of voters to the poll, that is in 27 & 28 of the Queen, c. 87. Then we approach the consideration of the question by reference to that section which my learned friend, Mr. Macdonagh, has reverted to. "That any elector who within six months" (the learned Counsel read down to) "at such election." The line must be drawn somewhere as to what is a person employed for the purpose of the election, because I might take a variety of illustrations as to what persons would be excluded. Supposing a person engaged upon an election wanted a box constructed for the purpose of carrying his papers, and sent to a tinmith to make him a box for that purpose; no doubt, to a certain extent, that man would be employed for the purpose of the election; but would he be prevented from voting? Certainly not. And the question is, is there an employment of the

personal services, or is it merely an employment in which the personal services may or may not be required at all. Now, that question was considered in two or three of the cases. Printers got orders from a candidate for a certain quantity of printing. It is not essential that the personal services of the particular person who is the printer should be employed at all. Therefore, in the Northallerton case, the case of printing was absolutely excluded. In the case of the fly-drivers, it was also excluded by Mr. Justice Willes. My Lords, it would seem to me, with great respect to my learned friend, that the case of a person who earns his income ordinarily by doing work of the character for which he is employed for the purpose, is an *à fortiori* case to a certain extent, and I will tell you why; it is far more necessary, if a man is a carman ordinarily employed to drive persons about, that his personal services shall be worked, so that in the case of a farmer who may send his son or servant boy and convey a neighbour, if you please, to a polling-place, there is no case of personal service at all there, because the thing employed is not the service of the man; the thing that is wanted is the horse and car, for the purpose of conveying voters to the poll; therefore I say it is an *à fortiori* case. In the case of a person employed in driving his own car and earning money in that way, if you must draw a line somewhere, it seems to me to be the essence of the thing that the personal services should be employed. It is not in this case of the essence of the thing that the personal services should be employed, because what is wanted is the car, and nobody cares who drives; that is a mere accident. It is the horse and cart that is employed to bring in the voters; therefore I say, my Lords, this is not an employment within the meaning of the Act of Parliament at all.

Mr. Porter.] I feel confident that your Lordships will not stop this evidence, but that you will hear the case out to its conclusion, because, if we are right, we have already established a number of instances sufficient to strike off 20 votes. Therefore I submit to your Lordships, if you have any doubt upon this point, reserve the case for the courts. I submit we are entitled to strike off the 20 votes. Accordingly, what I want to draw your Lordships' attention to is this: it is no doubt difficult for your Lordships to decide this case now; your Lordships can reserve the case for further consideration, treating the matter as a mere question of law. It appears to me to be quite immaterial what the amount of payment is, provided the nature of the employment comes within the terms of the section of the Act of Parliament. It appears to me that there is only one consideration, namely, whether the Ballot Act has enacted that votes given under those circumstances shall be struck off. My friend, Mr. Moser, refers to the statute, which authorises and provides for the conveyance of voters to the poll; that appears to me to offer no criterion whatever in determining the present question, because no one said that it would be illegal to provide for the conveyance of voters to the poll, except the persons employed are voters.

Mr. Justice Barry.] It may furnish an argument

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argument rather in your favour, because it is a purpose connected with the election, and legislated by the Act of Parliament.

Mr. Porter.] Connected with the election and legislated by the Act of Parliament, I admit it would be perfectly legal, and I never said to the contrary, to provide cars for persons who were voters, or to pay railway fares or matters of that kind; the question is, whether it is within the meaning of the section of the Ballot Act. Upon that question, it would appear to me that really no question of agency arises here. I submit the employment, under the circumstances which have been proved, of the car of the voter, as a matter which disqualifies the voter from voting, and it would appear to me it makes no difference whether that is a direct employment through the candidate or through the duly authorised agent. It might be a person in the position of Mr. Brush; if he received pay for looking after these cars, which I am sure he did not, he might come within that section; still our argument would remain if he had the power to engage the cars, that the persons so engaging them came within the words of the section. It seems to me, therefore, really no question of agency arises, and it is merely a question whether there has been in this case an employment within the meaning of the Ballot Act. Reliance has been placed upon a comparison of the section of the Representation of the Peoples Act and the Ballot Act, as offering some guide to the decision of this case. It is important, my Lord, to observe that in the representation of the Peoples Act there is a penalty, a misdemeanour is created, and there is no provision as to the striking off of the vote.

Mr. Baron Fitzgerald.] It says, shall not be allowed to vote.

Mr. Porter.] Yes; it does not provide for the striking off.

Mr. Baron Fitzgerald.] It would be struck off. The only difference between that and the Ballot Act is, you would have to prove the vote for a particular candidate, whereas you have not now to do that.

Mr. Porter.] That is the section which makes it a misdemeanour; the other does not.

Mr. Baron Fitzgerald.] Unless it is the same offence.

Mr. Porter.] Unless it be identically the same. In construing a criminal Act of Parliament, we should be obliged to see that the offence was exactly the same in the one section as in the other.

In reference to the Representation of the Peoples Act it seems to me that in the present case the judgment of Mr. Justice Willes on that section is one really strongly in our favour. In the Southampton case, in which the question of the employment of cabmen arose, he decided that the employment of an ordinary cabdriver, in the ordinary course of his business in the street, did not bring him within that Act of Parliament. Your Lordships will observe how distinct and guarded the judgment is with reference to the very words of the Act of Parliament. He said, "As at present advised, I think the employment of a cabman

in his ordinary capacity does not come within the section; it must be some case in which the payment is substantially wages or salary for personal services." Then he goes on to illustrate what he means, "A cabman may be employed as an agent, no doubt; it may be superadded to his capacity as cabman. He could also be employed as a canvasser or messenger; for instance, to take a letter and deliver it himself. But if you jump into a cab and go yourself, though he gets down from the box and delivers the letter at the door, you can hardly call that the employment of a cabman as a messenger. At present, I have a strong impression that a cabman employed to carry people about is not properly a carrier and messenger for hire, and that that is not an employment like an agent, canvasser, clerk, or messenger, in the words of Section 11." My Lord, in reference to that, I ask your attention to the last paragraph of the judgment. In considering what is the employment, he draws the plain distinction between the case of the mere usual employment of a cabman in the street, by stepping into the cab and telling him to drive to a particular place, and the employment of him where he may be treated as a messenger if he took a letter, in which case he plainly implies that that would be an employment within the meaning of the words in the Act. If it be within that section to give an ordinary cabman in the street a message, which I presume he would know to be in reference to the election, and tell him to drive to a particular place, to a voter's house, and leave a notice at that voter's house, if that would be an employment of him as a messenger, surely the cases we have proved here are infinitely stronger than that, in construing particularly the words of a wider section. The section that we are dealing with does appear to me to be distinctly wider; it omits that word "like," which occurs in that Section 11 of the Reform Act. No doubt the word "hire" is out, but I do not think that much affects the case really. I may be wrong in reference to the omission of the words in the other Act—

Mr. Baron Fitzgerald.] That is a point I have not a doubt about at all. The previous statute voided votes; the object of the statute was to have the votes struck off without having the polling papers inspected. It manifestly refers to votes that were declared void by previous legislation, and, therefore, refers to the same thing.

Mr. Porter.] It may or may not.

Mr. Baron Fitzgerald.] It does not void the votes in terms at all.

Mr. Porter.] It says the votes shall be struck off.

Mr. Baron Fitzgerald.] No, it does not say that: it says a corresponding number votes shall be struck off. It applies to votes that would be voided.

Mr. Porter.] I do not find there is any distinct declaration to that effect. Am I not entitled to say that the words "like employment" is a very striking phrase to use?

Mr.

Mr. Baron Fitzgerald.] Not more than usual.

Mr. Porter.] In reference to the word "hire," have you synonyms?

Mr. Baron Fitzgerald.] Both the other words are in the statute.

Mr. Porter.] You can understand the omission of a word where it is, in point of fact, a mere repetition of what it was before. It is difficult to understand a case in which you would hire an individual and not retain him and employ him.

Mr. Baron Fitzgerald.] Suppose there had not been the word "like" in the previous statute would you not construe it in that way?

Mr. Justice Barry.] Let me ask you another question. The Representation of the Peoples Act makes a party guilty of a misdemeanour if he votes, ever having been employed at the election, or within six months of the election; supposing he had been employed eight months before the election, would you contend that the vote should be struck off under the Ballot Act, the limitation of six months being left out?

Mr. Porter.] If it be in reference to the election.

Mr. Justice Barry.] A man 12 months before is employed in reference to the election, although the Representation of the Peoples Act limits it to six months, still, according to your argument, he might be struck off?

Mr. Porter.] I think that is so. It is not a mere limitation as to a criminal prosecution at all.

Mr. Justice Barry.] If he has been employed at the election, or six months before it, he is guilty of a misdemeanour; not entitled to vote.

Mr. Porter.] That makes it a criminal offence. With regard to the striking off of a vote, I see no hardship in it at all.

Mr. Justice Barry.] It would seem to me to be one of the singular instances of violating the rule of construing Acts of Parliament as *in pari materia* as referring to one another.

Mr. Porter.] We must deal with them as we find them. That question would not arise in the present case. I think I might very fairly argue this matter if it stood upon the words of the Reform Act, 31 & 32 Vict. I do submit that the decision of Justice Willes upon that statute is a decision in my favour, because it is a decision that the ordinary employment of a cabman in his ordinary course of business, in reference to which he has no discretion and nothing is entrusted to him, but he is merely told to drive a particular individual to a particular place, that that is not an employment of the individual. The words of the decision are guarded, because he expressly says, "At the same time, if you leave that cabman to himself, and give him a letter to deliver in a particular place in reference to the business of the election, then he becomes a messenger,

and comes then within the words of the section."

Mr. Justice Barry.] Does Justice Willes lay down that sending a man with a single message during the course of the election in that way would constitute that man a "messenger?"

Mr. Porter.] Yes, I think so.

Mr. Justice Barry.] That is rather strong.

Mr. Porter.] That is the only case really cited against us.

Mr. Justice Barry.] Of course, if it was put on the schedule as a colourable case of bribery, and if it was also put on the schedule as also a case of paid agent, the question would arise in both cases.

Mr. Porter.] I would refer your lordships again to the words of Justice Willes.

Mr. Baron Fitzgerald.] What I really understand to be meant by that is this, that it would be bribery in any case except cases in which they were regular drivers or cab-drivers.

Mr. Justice Barry.] Does that mean anything more than this: if you confine him to the ordinary functions of a person whose car or cab is hired, then it does not come within the section. If you superadd to the cabman or carowner other functions, you may constitute him an agent within the Act of Parliament. If you make him stick to his car, then there is no more to be said about it.

Mr. Porter.] Take the most favourable class of instance we have proved, in which there are express instructions from the agent to a particular individual to take his car on the next day, known to be for the purposes of the election, to drive in the voters and to take them home, and that all to be compensated for by the payment, a part of which is said to be in respect of the cab, but part of which is undoubtedly in respect of the services of the driver, because no one is to superintend him, he is deputed to that particular business, and certainly is an ordinary messenger. Is he not there in a distinct personal employment, delegated with the duty of doing that quite as much as if he happened to be a messenger who was told to run with messages, and to go and deliver messages at the residence of these voters on foot, instead of taking them by his car? It seems to me, my Lord, that the other employment there is distinctly an employment exactly like in its character, within the statute, that of a messenger.

Mr. Justice Barry.] What is the difference between the functions you describe and those of an ordinary cabman employed to do the same thing?

Mr. Porter.] In that case I should say the answer would necessarily be the same. If he was the owner of the cab, if he himself had a vote, and were entrusted with the driving of the cab, and told to bring up persons to vote; if he was given a list, and entrusted

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1890.

*J. Bell.*  
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1870.

entrusted to do that act in the absence of the principal, it would seem to me he would then be within the meaning of that section.

*Mr. Justice Barry.* That would be overruling the case just.

*Mr. Porter.* I apprehend not. There is a great difference between a person delegated to do a thing in the absence of the principal, which is the case Justice Willes put—

*Mr. Justice Barry.* The cabman gets orders.

*Mr. Porter.* If the cabman gets reward, he is within the words of the Act of Parliament; if he is not specifically canvassing, which I almost think he is, he is specifically a messenger, and if not, at any rate, I do not know what would become of the words "like employment." If that he not "like employment," I do not know what is. The hire of the horse and car would be nothing; they would not go by themselves. The driving of them and the management of them is the work for which the person is retained, and must be done by some intelligent person. If that intelligent person is one who gets no profit out of it, and he has no vote, there is no harm done, and it is not a case within the section; but if he is a person who has a vote, by accepting the reward for those services, I submit he deprives himself from voting. Upon these grounds it seems to me that no meaning can be given to the words "like employment" if this be not exactly and identically like it. I think I am entitled to say there is more ground in the other section; that the word "like" does not occur; and that any employment for reward in the course of the election strikes off the vote. It may be it is an imprudent thing in the course of the election to employ hundreds of car owners, or to employ any one who owns a car, for that purpose. It may be imprudent to employ him for any purposes connected with an election, either for printing or what not. We are here dealing with the employment of a particular class of persons to whom certain specific duties are entrusted, namely, bringing up those voters personally; bringing them up by the individuals in reference to whom there is a distinct contract of payment for the persons who discharge those duties. If that person happens to be a voter, it seems to me that the Act of Parliament

gives us a right to have his vote struck off for that. The matter has been carefully considered, although it is not a matter of judicial decision, and I would respectfully ask your Lordships, as it is an important matter, and as it would obviously turn the election alone, if we had not any other ground, to reserve the decision upon it if it be not in our favour.

*Mr. Baron Fitzgerald.* Mr. Shaw, would you wish to say anything?

*Mr. Shaw.* No, my Lord, I think not.

*Mr. Baron Fitzgerald.* We will consider the matter.

[Adjourned for a short time.]

*Mr. Baron Fitzgerald.* Is there any recriminatory case here?

*Mr. Macdonagh.* Yes, certainly, my Lord.

*Mr. Justice Barry.* And does it rely upon the same sort of evidence?

*Mr. Macdonagh.* No, my Lord.

*Mr. Justice Barry.* Not on the same point as we were discussing just now.

*Mr. Macdonagh.* I think not. There are six classes, and it is very extensive, but that is not one of them.

*Mr. Baron Fitzgerald.* I understand there have been recriminatory particulars furnished in this case?

*Mr. Kirby.* Yes, my Lord.

*Mr. Baron Fitzgerald.* Will you just tell us what the particulars are?

*Mr. Macdonagh.* I have the particulars now before me, and I think my memory is right: "let, bribe, treat, and undue influence," &c. (reading the particulars to the words, "to permit placards to be posted on the outside of their houses.")

*Mr. Baron Fitzgerald.* The 17th is the one which possibly it might be under.

*Mr. Macdonagh.* We do not mean at all to rely upon it.

*Mr. Baron Fitzgerald.* What occurs to us at present is this, that there being recriminatory charges, if we were to adopt either the course of deciding in favour of Mr. Porter in this case or to reserve the question for you, it would be necessary to go through the evidence, and we think it better at present not to cut short the investigation; but we shall be able on Monday morning to determine finally what we will do.

JOHN BELL, sworn; Examined by Mr. Murphy.

*J. Bell.* 2214. Did you get a note from Mr. Bruah?—Yes.

2215. Telling you to meet certain voters?—No, not to meet them, but to bring them.

2216. Where were you to get them?—He did not say where; they were neighbours.

2217. You knew them?—I knew them perfectly well.

JOSEPH COWLEY, sworn; Examined by Mr. Murphy.

*J. Cowley.* 2218. Are you a farmer?—Yes, and a shopkeeper.

2219. And you voted at the last election for the county of Down?—Yes.

2220. Have you a car?—I have.

2221. Whose estate do you live on?—The Mead estate.

2222. Was your car employed during the election?—It was.

2223. In what way was it employed?—Taking voters in.

2224. Were you on the car yourself?—I was.

2225. Did you go for the voters and bring them

them up?—No; it was my son who had charge of the car.

2226. He held the reins?—He had charge of the car.

2227. Were you on the car yourself?—I was.

2228. Did you arrange that your son should drive?—Well, at the time they asked if I could provide them with a car.

2229. Who was that, Mr. Murphy?—And Mr. Usher. I said, perhaps I could provide him with a car. I said my son would drive it.

2230. Of course you understood that you were to be paid for it?—I do not want it; I would not receive a penny for it.

2231. Did you expect to be paid for it?—I did not.

2232. Not yourself, but your son; of course you knew the car was to be paid for?—Well, I thought it would; but of course I was not going to take the money.

2233. You would not yourself of course, but your son would?—My son gets anything that the horse earns in that way.

2234. What do you mean by "that way," for elections?—For anything that the horse earns by hire, he gets it.

2235. Are you in the habit of hiring horses?—Sometimes.

2236. Is that changing with a neighbour?—Yes, doing work.

2237. Does your son live with you?—He does.

2238. And works for you on your place?—Yes.

2239. You provide him with food and clothing, I suppose?—Yes, but he gets the money for

himself when this car was hired. I do not object to his going with it and receiving anything for it; that is, if there would be anything.

2240. That is, when the car was hired by Mr. Usher and Mr. Murphy?—Yes.

2241. It was to you that they told about the voters that they wanted brought up?—Not at that time.

2242. At any time?—There was a letter came that there were voters to be brought in on the polling day.

2243. Was there a letter on the day of the polling?—There might have been.

2244. Was it to you from Mr. Brush?—Yes.

2245. Did it give directions to you as to bringing in the voters?—Yes, that I was to come in on the car myself.

2246. And take other voters down?—Yes.

2247. And you went in on the car yourself, and did what you were told?—I did not.

2248. You did not in one sense, because your son drove?—Yes; not he was to receive the money if there was anything for it.

Cross-examined by Mr. Moore.

2249. You were a shopkeeper yourself?—Yes.

2250. Where?—At Munslaen.

2251. Mr. Justice Barry.] Have you ever hired out this horse and car before?—Yes, for other work.

2252. Both the horse and the car?—Yes.

2253. Is it a common thing for farmers and others who have horses and cars to hire them to people who may want them for a day?—It is.

ALEXANDER STEWART, sworn; Examined by Mr. Shaw.

2254. You are a voter for the county?—Yes.

2255. And you voted at the last election?—Yes.

2256. Did you get a letter from Mr. Brush about your car?—Yes, I did.

2257. Was that the day before the polling?—Yes.

2258. What did it tell you to do?—Mr. Brush's name was at the bottom of it. I was to come myself, and to bring two of my neighbours.

2259. Did you go?—Yes.

2260. Were you to take up these other men that you were to bring in?—Just my neighbours. I had not half-a-mile to go.

2261. You were to go for them, and you went for them?—Yes.

2262. And brought them in?—Yes.

2263. Have you got any payment for that?—No, and I never was promised any.

2264. Did you expect to get it?—I never was promised any.

2265. Did you expect to get any?—I never was promised any.

2266. When you got this order to bring in the car, did you expect to get anything?—Well, I might have expected, but I was not promised any.

Cross-examined by Mr. Kirby.

2267. How far had you to drive into Rathfriland with the two neighbours?—I suppose, five miles.

JAMES PORTER, sworn; Examined by Mr. Murphy.

2268. You are a voter, and voted at the last election?—Yes.

2269. And your car was in use on the polling day?—Yes; I went upon it myself and my brother, but the servant boy was driving it.

2270. Who sent for the car; did Mr. Brush's note come to you?—Well, I got a note to come; nothing more than a note for the day; to let me know the day.

2271. Was it from Mr. Brush that you got the note?—Yes, from Mr. Brush.

2272. Who else were you told to bring in?—My brother and two more friends.

2280—Sess. 2.

2273. Where were you to get those?—One of them on the hill where I live myself, and the other a little further along.

2274. And you sent for them in the morning?—Yes, of course, just before I was going. I was going to take the car any way; it was nothing out of my way.

2275. Have you got that note that you got from Mr. Brush?—I have not got it here.

Cross-examined by Mr. McDonough.

2276. You were going to take your car any way?—Yes.

R 3

2277. To

J. Conley.  
—  
19 June  
1880.

A. Stewart.  
—

J. Porter.  
—

- J. Porter.* 2277. To take yourself and your brother?—  
 Yes.  
 19 June 1880. 2278. There was no inconvenience in taking your two neighbours?—No inconvenience at all.  
 2279. There was not?—

JOHN WILLY, sworn; Examined by Mr. Porter.

- J. Willy.* 2280. Do you live in the townland of Ballysaghur?—Yes.  
 2281. Whose estate is that on?—On the Mead estate.  
 2282. That is the one Mr. Brush is agent for?—Yes.  
 2283. Did you get a note about your car from Mr. Brush?—Yes.  
 2284. You have a car of your own?—Yes.  
 2285. You are a farmer?—Yes.  
 2286. You have the note here?—I have not it.  
 2287. Were you told in the note what you were to do?—To go and bring in voters.  
 2288. And I suppose you did so?—Yes.  
 2289. Many?—I think it was seven.  
 2290. Was that at two goes or one?—Two goes.  
 2291. How far do you live out of the town?—Just about a mile.  
 2292. Did you employ any other cars in the neighbourhood, or tell any other men about them?—No.  
 2293. Have you furnished an account yet?—No, I was not paid anything.  
 2294. Have you sent in an account at all?—No.  
 2295. Not yet?—Not yet.

FRANCIS KIRKE, sworn; Examined by Mr. Stow.

- F. Kirke.* 2296. You are a voter, and you voted at the last election?—I did.  
 2297. Your cars were employed?—One.  
 2298. And you had only one?—That is all.  
 2299. Did you get a note from Mr. Brush about your car?—I did.  
 2300. The night before the poll?—Some time.  
 2301. Did that note tell you what voters you were to bring in?—It told me where I was to go.  
 2302. Where did it tell you to go?—A place called Blakeley's Cross-roads.  
 2303. That was to pick up voters?—Yes.  
 2304. And you did so?—My son did so; I had nothing to do with it.  
 2305. You did not drive the car?—I neither drove it nor rode in it.  
 2306. How did you get in?—I walked on my feet.  
 2307. And your son went off on the car?—Yes, and I walked on my feet.  
 2308. Have you sent in your account for this?—I have not.  
 2309. When do you intend to do so?—I do not know; perhaps I may never send in an account.  
 2310. You expect to get paid all the same?—Well, if everybody gets paid, I would expect to get paid with the others.

Cross-examined by Mr. Maurice.

2311. And if nobody is paid, you will get nothing?—I would never say a word about it.

[The Witness withdrew.]

JOHN MACAIGNE, sworn; Examined by Mr. Murphy.

- J. Macaigne.* 2312. You were a voter?—Yes.  
 2313. Did you get any order from Mr. Brush for your car?—There was a note came the night before the polling day. I have no car.  
 2314. Where did you get the car?—I got no car at all.  
 2315. Was Mr. Brush speaking to you about your vote?—He was going round the voters, but I did not promise to Mr. Brush how I would vote.  
 2316. And you did not get a car?—I did not get a car.

HUGH WALL, sworn; Examined by Mr. Porter.

- H. Wall.* 2317. Where do you live?—Hilltown.  
 2318. In the Rathfriland district?—It is.  
 2319. What business did you carry on there?—I kept an hotel and posting cars.  
 2320. Were you employed during the election?—My cars were employed.  
 2321. Were you employed yourself?—I was personation agent.  
 2322. On behalf of Lords Hill and Castleburgh?—Yes.  
 2323. Were you employed in any other way?—No, not in any way else.  
 2324. Where were the committee-rooms?—Rathfriland was the place; but it was divided, as it was a very large place, and my son conducted some business there.  
 2325. Were the committee-rooms in your place?—They were appointed there, but there was no committee.  
 2326. Were they hired there?—Well, I do not know; it was my son that had the transaction of the business.  
 2327. Do you mean to say that? is not it in the same place you live yourself?—It is.  
 2328. Were these committee-rooms in your own house?—Yes.  
 2329. Who took them?—They were engaged by the Hillborough people.  
 2330. What



2330. What Hillsborough people, Lord Castle-rough?—Yes; I was paid nothing.

Mr. Macdonagh.] There is no charge whatever of this class; hiring committee-rooms, or anything of the kind.

Mr. Baron Fitzgerald.] Under what head do you offer this?

Mr. Marpley.] To lead up to other charges.

2331. Did you hire other cars in the place?—I did not; my son.

2332. Did you give your son directions to hire them?—I did not.

2333. Did you give directions to hire them?—I did not; my son got what directions he wanted.

2334. Except being personation agent, you had no other employment?—No.

2335. Were you paid any money in connection with the election?—No.

2336. Is your name Hugh Hall?—Yes.

2337. And you did not get that in the account?—That is for the car hire.

2338. You did not get anything else in connection with the election?—I did not.

2339. Did you get 5 l. more?—I did not.

2340. You are H. Hall, senior?—Yes, I am Hugh Hall, senior.

2341. Very well. Now, will the sheriff be kind enough to show us this account. There is one H. Hall, senior, 5 l. You are Hugh Hall, senior, and your son is Hugh Hall, junior?—Yes.

2342. Did you vote?—I did.

2343. Is your son here?—I could not say.

2344. Why is he not here?—I could not say; it is likely he is not subpoenaed.

JOHN WILSON, sworn; Examined by Mr. Marpley.

2346. You were a voter, and voted at the last election?—Yes.

2347. Are you on the Downshire estate?—Yes.

2348. Hall was the man that employed your car?—No man employed me.

2349. But your car was employed?—Partly for my own convenience.

2350. And partly to go for others?—But I had nothing to do with it.

2351. Was the car yours?—Yes.

2352. Was the horse yours?—Yes.

2353. Partly for you; and there were the other voters that went?—There were two.

2354. And yourself?—Yes; we lifted them on the road, when I was going.

ROBERT GRACY, sworn; Examined by Mr. Porter.

2355. You are a voter, and voted at the last election for the Rathfriland district?—Yes.

2356. Who was it had the hiring of the cars in your neighbourhood for the election?—I do not know.

2357. Do you know Mr. Hall?—Yes.

2358. Did he speak to you about your car, or write to you?—I had no car at all, and never had one.

2359. Where do you live?—Barnmoat, a very distant locality.

240—Sess. 2.

Mr. Porter.] The election accounts are furnished without particulars; we want a particular document, which is the voucher for this sum of 5 l., "H. Hall, senior." My friend on the other side can give it. We cannot get it; it would take us a month. We want to know what he was paid that 5 l. for. He was paid a separate sum for cars.

2345. Mr. Justice Barry.] What did you get the 5 l. for?—I did not get the 5 l. at all.

It is very curious.

Mr. Macdonagh.] Mr. How will explain it at once.

Mr. Baron Fitzgerald.] Do you know it.

Mr. How.] I do, my Lord.

Mr. Macdonagh.] Will you explain it to his Lordship?

Mr. How.] There is a simple explanation. Mr. Hall has a business in Hillsborough, and I gave the 5 l. to Mrs. Hall for the committee-rooms in Hillsborough, and she gave me the receipt. I dare say he does not know anything about it.

Witness.] I do not indeed.

Cross-examined by Mr. Macdonagh.

2346. You said you were a personation agent?—Yes.

2347. Is not it the fact that you were not paid for that?—Not 1 s., and I do not expect any.

2348. Then you were not a paid agent at the election?—I was not.

2358. Did you get directions to bring them?—I got no directions at all. There was some word the evening before, to my little boy, to take them in; two old men that were not fit to walk.

2359. Who was the word from to your boy to take them in?—I was not there at the time, but it was from Mr. Hill, I believe.

2360. Does your little boy live with you?—Yes; he is a boy of 22 years of age.

2361. And he drove you in?—Yes.

2362. What was the price going for the cars?—I never heard of that; I never received money in my life.

2363. And never looked for it?—

2369. Is there any other man of your name in the neighbourhood?—Yes; there is one at Drumland.

2370. Has he a car?—He has not.

2371. How did you go to the poll?—My daughter had a car.

2372. Does she live with you?—Sometimes she does and sometimes not.

2373. Have you a horse?—Yes.

2374. Did you go in on the daughter's car and with your own horse?—Yes.

R 4

2375. Did

H. Wall.  
19 June  
1880.

J. Wilson.

R. Gracy.

*R. Grey.* 2375. Did you bring any voters with you?—  
 Yes.  
 2376. Who were they?—Neighbours.  
 2377. Who told you to bring them?—I took  
 them of my own accord.  
 2378. Who told you?—No man.  
 2379. Did Mr. Hall call upon you or write to  
 you?—No.

DAVID MARTIN, sworn; Examined by Mr. Shaw.

*D. Morris.* 2382. You were a voter at the last election of  
 the county Down?—I was.  
 2383. And you voted at the last election?—  
 Yes.  
 2384. How many cars did you engage?—I had  
 two cars in it.  
 2385. You drove one of them yourself?—I did  
 not; I had a spoked wheel, and I was not able  
 to go without taking a car with me, my own car.  
 2386. Who drove it?—One of my own men.  
 2387. And there was another car?—Yes; and  
 one of my own men, for another person that was  
 not fit to go.  
 2388. How many voters did you take in with  
 your car?—I am not quite sure; I think about  
 three.  
 2389. Besides yourself?—Yes.  
 2390. Who were in the other car?—There  
 were, I think, one or two in the other car.  
 2391. Who directed you to go for those voters?  
 —There was no direction given to me parti-  
 cularly.  
 2392. What directions did you get generally?  
 —Well, I understood that these voters were going  
 in, and I took the men with me.  
 2393. And you did that, expecting no reward  
 for it?—Yes, and I would do it again.  
 2394. Have you sent in an account for it?—  
 Certainly not, and never was promised a shilling.  
 2395. And when did you intend to send in the  
 account?—I do not; I would do it again just in  
 the same way.

2380. Did he tell you anything about the pay-  
 ment?—He did not. I got money from no man  
 or woman.

2381. I know you did not yet, but of course if  
 there is money going you would like to get what  
 the rest would get?—I do not, I expect no money,  
 and I am looking for no money.

2396. Were you paid in 1878?—Yes, I was  
 paid for one election.

2397. Was it the election of 1878?—I do not  
 exactly remember.

2398. How many elections do you remember?  
 —I think this is the third.

2399. You were paid in 1874?—I am not  
 exactly sure; likely I was.

2400. How many cars were you paid for in  
 1874?—I had only one car.

2401. In 1878?—One car.

2402. How many do you intend to send your  
 account for now, when this is over?—I do not  
 intend to send in an account at all.

2403. How much do you expect to get?—I do  
 not expect to get a penny for the two cars.

2404. You would not take money?—There is  
 very few people who would not.

2405. That would not take money?—Well, of  
 course, if it was going; and if not going, I did not  
 want it.

Cross-examined by Mr. Macdonagh.

2406. You voted for the son of your landlord?—

Mr. Murphy.] You should not ask that.

Mr. Baron Fitzgerald.] He is not bound  
 to answer the question, and I think the in-  
 tention of the Act of Parliament was that he  
 should not be asked.

Mr. Macdonagh.] If you think so, I will  
 not ask it.

ROBERT BLANE, sworn; Examined by Mr. Murphy.

*R. Blane.* 2407. You were a voter at the last election?—  
 Yes.  
 2408. Was it David Murphy engaged your  
 cars?—The son of William Murphy; I do not  
 remember his name.  
 2409. Was it one car he engaged from you?—  
 One car.  
 2410. Where were you to take it to get up the  
 other voters?—It is beyond Rathfriland about a  
 mile and a half.  
 2411. How many did you get in?—Four, and  
 lifted one on the road.  
 2412. And three others that you went for;  
 was it Murphy's son that gave you the directions  
 as to where you should go?—Yes, but the car  
 was not my own, nor the horse was not my own.  
 2413. From whom did you get the car?—From  
 my neighbour.  
 2414. Mr. Andrew got the horse?—No, that  
 was from my brother-in-law.  
 2415. Did Murphy tell you what was going for

the horse and car; was it 1 l. 5 s. for the day?—  
 No word of that.

2416. You knew it well?—By the report.

2417. And you just knew that you were to get  
 the same as the rest?—I could not tell that.

2418. Did not you consider, now, that you were  
 to get the same as the rest?—I considered  
 I would be treated the same as the rest of my  
 neighbours.

2419. And you went where they told you  
 for the other voters, and brought them in?—  
 Certainly.

Cross-examined by Mr. Morris.

2420. And nobody there ever offered you pay-  
 ment, and you never asked it?—I never asked it,  
 and never was offered none.

2421. Mr. Justice Barry.] And do not expect  
 it?—That I could not say, my Lord.

[The Witness withdrew.]

ROBERT GREEN, sworn; Examined by Mr. Porter.

2422. You are a farmer, I believe?—Yes.  
 2423. And voted at the last election?—Yes.  
 2424. Are you on Lord Arthur Hill Trevor's estate?—Baron Trevor's.  
 2425. Do you know Mr. Brush?—Yes.  
 2426. He is agent on that property, is he not?—No, he is not.  
 2427. Do you know him very well?—I know him by seeing him.  
 2428. Did you get a note from him about your car?—No, I did not.  
 2429. From whom?—From no one at all.  
 2430. Did you get a message about your car?—No.  
 2431. Was your car used during the election?

—Yes, a party of neighbours went, and the ploughman and he would drive them in. They expected other cars to come.

2432. I suppose you know of the ploughman driving them in?—Yes.

2433. Who made the arrangement?—No one at all; I drove the car in in 1878, and I never received a shilling, and I never expected to receive a shilling for this.

2434. Were you spoken to about it afterwards?—Never.

2435. Did you see him about it?—I saw him. I may have spoken to him in the street, but no further.

[The Witness withdrew.]

WILLIAM KING, sworn; Examined by Mr. Stow.

2436. You are a voter, and voted at the last election?—Yes.  
 2437. Your car was supplied for the purposes of the election?—I have a car.  
 2438. It was employed?—I was asked if I would take a car, and I did.  
 2439. Who asked you?—A gentleman of the name of Bradford.  
 2440. Where does he live?—Near Newry.  
 2441. You took a car?—Yes, but it was an old, a young chap, that asked me if I would allow him to get the benefit of the car, as I did in 1878.

2442. Was it Mr. Bradford's application, or the young chap's application, that led you to take out your car?—Well, I would have taken the car at any rate.

2443. How many voters did you take in the car?—I think before I arrived at Rathfriland I had five.

2444. Did Mr. Bradford tell you when you were to go for?—He did.

2445. Had you any directions as to whom you were to go for?—None at all.

2446. Have you got paid for your car?—No.

2447. Have you sent in your account?—No.

2448. And when do you intend to send it in?—I do not know; I may never send it in.

2449. Did your son get paid for it?—No.

2450. When does he expect to get paid for it?—I suppose he will take it as soon as he can get it.

2451. As soon as this is over he will look for his bit?—I suppose he will expect to get it.

Cross-examined by Mr. Monroe.

2452. Was it coming along the road you picked the men up?—Yes, I met them beyond my own house, two neighbours.

[The Witness withdrew.]

WILLIAM HASLUTT, sworn; Examined by Mr. Porter.

2453. Did you vote at the last election?—Yes.  
 2454. Have you a car?—Yes.  
 2455. Was it used during the election?—Yes.  
 2456. Were you asked by Mr. Brush for it?—I was not.  
 2457. By whom?—Nobody.  
 2458. How did you know it was to be used?—I took it of my own accord.  
 2459. Were you communicated with?—I was not.  
 2460. Did you hear that cars were to be employed?—I did not.  
 2461. Had your cars been employed previously on other occasions?—No.  
 2462. In 1878?—Yes, I had a car.  
 2463. And were you paid?—Yes.  
 2464. Who paid you for it?—An agent, Mr. Fowler, of Newry.  
 2465. Did you do the same work now that you did then?—I did not.  
 2466. What difference was there?—I never was asked to do anything.  
 2467. Did you bring up voters?—Yes.  
 2468. How many?—I had four.  
 2469. And took them up to the poll?—Yes.  
 2470.—Sess. 2.

2470. And brought them home?—I did not; I only brought my father-in-law home.

2471. How did you find the four voters?—I got them on the road.

2472. They were strolling about the road, and you picked them up; do you mean to say that. How far were you from the place you were to poll at?—Three miles.

2473. Do you generally take out your car to go three miles?—Yes.

2474. And drive your outside car in every time you go into town?—Occasionally.

2475. What were you paid in 1878 for it; 25s. for going the three miles?—Yes, I had to go twice.

Cross-examined by Mr. Monroe.

2476. Were you engaged for the day in 1878?—Yes.

2477. And went for the voters on both occasions?—Yes.

2478. On this occasion you took your father-in-law in?—On that occasion I took my father-in-law in, and never was asked for my car by no man.

Re-examined by Mr. Porter.

2479. You have of course no claim against any one now for your car?—No, my father is an old man of 83 years of age, and I drove him in.

I

R. Green.  
—  
19 June  
1880.

W. King.

W. Haslett.

## ROBERT WATERSON, sworn; Examined by Mr. Murphy.

- R. Waterston.  
19 June  
1880.
2480. ARE you a voter?—Yes.  
2481. And you voted at the last election?—Yes.  
2482. How many voters did you bring in on your car?—I have no car; I drive a car belonging to my father.  
2483. How many voters did you bring in on it?—There were five brought in upon it.  
2484. From whom did you get the message to bring them in?—From a neighbour beside of me.  
2485. Who was he?—A man of the name of Corbett; he was engaged by Mr. Brush.  
2486. He told you what was to be had for the

cars?—Yes, he seemed to know from the last, I suppose.

2487. Where did you get the five voters that you brought in?—Annainchigo.

2488. Who was it who told you where to go for these five voters?—It was Corbett told me where to go.

2489. Where did you go then?—Nearly about the same place; about a mile off from my own.

2490. Did you go for them to this place?—Yes, I went for them.

[The Witness withdrew.]

## JOHN BINGHAM, sworn; Examined by Mr. Porter.

- J. Bingham.
2491. Did you vote at the last election for the Rathfriland district?—I did.  
2492. Have you a horse?—I have.  
2493. And car?—I have a gig.  
2494. Did you drive the horse and gig on the day of the polling?—I did.  
2495. Did you bring anybody up with you?—I did.  
2496. A voter?—Yes.  
2497. How many?—One.  
2498. Who told you to do that?—I got no instructions to do it at all.  
2499. Did you hear from Mr. Brush upon the subject?—No, I did not.  
2500. Did you get a message from anybody?—From nobody.  
2501. Did not you hear something about it?—I heard just there were parties going out in that way, and I was going myself; I drove my horse

and gig, and if there was payment for it I would accept it; if none, I would not.

2502. From whom did you hear about the money going?—Well, it was a common saying that there were cars hiring and payment for cars.

2503. I do not mean in any improper way, but who gave you the word to go?—Nobody at all.

2504. You went just as the others did?—Yes.

2505. Mr. Justice Barry.] How far are you from the polling place?—I am four miles.

2506. Mr. Porter.] But were you paid for your gig in 1878?—I was paid nothing at all; if the payment was going I would take it, and if not, I could do without it.

Mr. Justice Barry.] Certainly.

[The Witness withdrew.]

## SAMUEL HEKMAN, sworn; Examined by Mr. Shaw.

- S. Hekman.
2507. You are a voter, and you voted?—Yes.  
2508. And you had a car?—No, I had no car. My son had a car.  
2509. Does he live with you?—He does, certainly; and he borrowed a car.  
2510. He borrowed a car and took your horse?—Yes.  
2511. How many voters did you take in?—He took two loads in.  
2512. You went in with him?—I did not the first; I could not get the car; I went in the second.  
2513. How much do you expect to get for the two loads?—I do not know what I will get; just what another man will get. I have no getting, because I would not take it; he took it against

my will. I did not wish for him to have any journey. I was ploughing.

2514. How did you go in yourself?—I went in certainly. He took the horse away and fetched a load, and came out for another one.

2515. You have not got payment yet, or your son?—I do not know whether he got it or not. He may get it for me, because I have nothing to do with it.

Cross-examined by Mr. Monroe.

2516. I suppose he is a wee boy, this son of yours?—He is 21 or 22 years of age, and as big as I am, or bigger.

[The Witness withdrew.]

## WILLIAM McILROY, sworn; Examined by Mr. Murphy.

- W. McIlroy.
2517. Did you vote at the last election?—Yes.  
2518. Had you a car in on the polling day?—I had not.  
2519. Whose car did you come in?—On none.  
2520. How far do you live from Rathfriland?—I suppose about a quarter of a mile.

2521. Were you a member of the committee?—I was not this season.

2522. You were not engaged in any way at the election?—Not in any way.

2523. You had nothing to do with the distributing of any documents at all?—No, I distributed none.

[The Witness withdrew.]

WILLIAM SINGER, sworn; Examined by Mr. Porter.

2524. ARE you a farmer?—Yes.  
 2525. And did you vote in Rathfriland at the last election?—Yes.  
 2526. Had you a horse and car?—No.  
 2527. Had you a horse?—Not at that business.  
 2528. How did you go into poll?—It was in a neighbour of mine's car that was going.

2529. What was his name?—John Mark. W. Singer.  
 2530. Did he pick you up, and take you in?— Yes, he was on the road when I was going. 19 July 1880.  
 2531. Your horse was not about that business?—No, not at that business.  
 2532. Had you nothing to do with the election, except voting?—Nothing at all.

[The Witness withdrew.]

THOMAS CARSON, sworn; Examined by Mr. Porter.

2533. Did you vote at the election?—Yes.  
 2534. At Rathfriland?—Yes.  
 2535. Had you a car?—Yes.  
 2536. Was your car used during the election for taking up voters?—I have got a small little thing, and I gave it, and I went to give my vote. There was a horse and car sent out.  
 2537. Did you go on the car yourself?—Yes.

2538. Who sent it for you?—I could not exactly say. T. Carson.  
 2539. Mr. Meares? It was not his own car, but a car sent for him?—It was not mine.  
 2540. What was done with your own horse and car?—My own horse and car was not had at all.

DR. WILLIAM GORDON, sworn; Examined by Mr. Murphy.

2541. YOU recollect the day of the polling at Saintfield?—Yes, I do.  
 2542. You were there on that day?—Yes.  
 2543. Do you know Mr. Wellington Young?—Yes, I do.  
 2544. Do you recollect showing any placard on that day to Mr. Wellington Young?—Yes, I do.  
 2545. Was that the one we had here about the retirement of Major Crawford?—Yes, I believe it is.  
 2546. Corresponding to this (pointing to a placard). Had you seen that posted up in the place?—No, I was inside the room; but I held that up to Mr. Young, and I said it was a most disgraceful production; that is a copy of what I saw.

to me; Mr. Young and I were talking together when Oswald came in with about half-a-dozen of those placards, and he handed one to me, and another to another gentleman. Dr. Gordon.

2553. What did he say at the time?—He handed it to me, and said, "Do you see that Major Crawford has retired?" But he did not appear to believe it. He gave me one, and he had about five or six in his hand.  
 2554. Was it in the polling place that Mr. Wellington Young was when he showed you this?—Yes; we were standing talking together at the ballot-box.  
 2555. Did he say anything at all as to how it came there?—No, he did not say anything at all; he did not make any remarks about it.

Cross-examined by Mr. Meares.

2556. Who is Oswald?—He is a voter in Saintfield.  
 2557. I mean, is he one of your party, or one of the Conservatives?—No, he is one of Mr. Crawford's supporters.  
 2558. He did not believe it, and you did not believe it?—Well, no, I did not believe it; I thought it was a ruse.  
 2559. Will you allow me to ask you one question; are you a medical gentleman?—Yes.  
 2560. And a magistrate, I believe?—Yes.  
 2561. Were you acting as a personation agent?—I was.  
 2562. How many more of you were there?—I think there were six besides myself.  
 2563. All equally respectable?—Well, yes, they were.

HUGH BEATTIE, sworn; Examined by Mr. Murphy.

2564. WERE you in Saintfield on the day of the polling?—I was. I was in Belfast in the fore part of the day.  
 2565. Are you a voter?—Yes, I am.  
 260—Sess. 2.

2566. Did you vote before you went to Belfast? H. Beattie.  
 —No, I did not; I had some corn to sell.  
 2567. What time did you come down to Saintfield?—Sometime about the middle of the day.  
 I 2 2568. Did

H. Beattie.  
19 June  
1860.

2568. Did you go to vote?—I did.  
2569. Did you see a placard posted up about Major Crawford's retirement?—I did.  
2570. Can you tell me about what time of the day it was when you first saw that?—I could not say exactly to the minute.  
2571. Was it before or after you had voted yourself?—I think I was coming down from the rooms at the time. I said, "It is all up; Mr. Crawford has retired."  
2572. You read the placard?—Yes.  
2573. Did you suppose it was a real thing?—Yes; at the time I saw it I did.  
2574. Had you voted before that?—Well, I think I had.  
2575. Did you see more than one of them?—A bill-poster was just posting them up at the time I saw it. I looked at that and I said to some friends and supporters of Crawford, "The thing is all up if Crawford has resigned," and I drew away backwards and I heard it was a trick of a fellow they call Finnegan. It was one of his tricks or tricks, and I went forward and there were two or three with us. After a considerable time I suppose I would order them to be taken down, but the bill-poster told me to take care what I was doing, because there would be an action at law, so I drew back and did not interfere.  
2576. Were they very plain; to be seen by the other people as well as yourself?—Oh! yes, there was a crowd.  
2577. Were there voters there as well as yourself?—Oh! yes, a great number of voters, and the cry was, it was all over.  
2578. What time does the train that you came down by leave?—It was something about the middle day train.  
2579. Leaving Belfast?—Yes; I had grain in Belfast on that day, and it was on Belfast fair-day, and it was rather later, I suppose. I will not swear what train it was.

Cross-examined by Mr. Kinsley.

2580. You often go to Belfast?—Yes.  
2581. What hour did the train leave Belfast for Saintfield?—Well, I could tell when they leave.  
2582. Tell it then?—The time they leave in the morning going to Belfast is what we call 7.30.  
2583. That is not what I ask you?—The other trains; I am not exactly to a minute.  
2584. I do not want it to a minute; tell me about the time the trains leave Belfast for Saintfield; go on now, Mr. Beattie?—Well, I am not able, and I will not swear.

JOHN DIXON, sworn; Examined by Mr. Stann.

2607. Where do you live?—Saintfield.  
2608. What is your occupation there?—Bill-poster; or anything to that purpose; any job of that kind I can get.  
2609. You were occupied in bill-posting at the time of the election. You were employed by the Conservatives?—Yes.  
2610. Do you remember on the day of the polling getting a parcel of placards to post up on that day?—I remember getting two parcels.  
2611. Were they both the same placards in those two parcels?—They were not.  
2612. Do you remember getting the parcel

2585. Do you frequently go to Belfast market?—I do.  
2586. And, of course, you come back on the train?—Sometimes I do, and sometimes I do not.  
2587. When you do, at what hour do you leave?—Sometimes it is half-past four, and other times it is up to one, and sometimes a quarter after one. I am not exact.  
2588. Was not it by that train you came?—No; it was an earlier train I came by, to the best of my judgment.  
2589. Do not you know there is an earlier train after 10 o'clock in the morning?—I do not.  
2590. Well, then I can tell you that is so. After you got back to Saintfield, did you go straight to the tally-rooms of Major Crawford?—Well, I would think I did, to the best of my knowledge.  
2591. Do you live between the tally-rooms and the railway station?—I live, to the best of my knowledge, a mile and a quarter beyond the town of Saintfield.  
2592. You went to the tally-rooms and got your ticket?—Well, I think I did. I will not swear positively.  
2593. And then you went and voted, did not you?—Oh! yes, I voted.  
2594. Where did you see the placards?—I saw them on the front of the market-place.  
2595. Before you voted?—I will not say that it was.  
2596. On your oath, was not it?—I am not sure of it.  
2597. Will you swear it was not?—I will not swear it.  
2598. And then the people after said, "Oh! it is all a trick of that fellow, Finnegan"?—Yes, that it was all over.  
2599. I understand they said it was all a trick of that Finnegan's?—Yes.  
2600. Now, was not that all said within less than five minutes after you saw the placard?—No, it was not.  
2601. How long afterwards?—Well, I could not swear that.  
2602. Come, sir?—I will not do it.  
2603. How long was it after you got home?—I did not come back till five o'clock; I walked through the town to see it.  
2604. A strange place, containing novel sights interesting to a man of your mind?—Yes.  
2605. Mr. Justice Barry.] Did anybody continue to believe that Major Crawford had retired?—A great many at the time; but they found it out that it was a trick.  
2606. It was not long before they found it out?—Well, I do not say it was a long time.

containing those placards about Major Crawford's retirement?—Yes.  
2613. Do you see this placard which I now open before you (producing the placard)?—I never had that in my hand.  
2614. No, but a placard like that; you saw a placard something like it?—I am no scholar.  
2615. It was one about Major Crawford's retirement?—I heard of it that day.  
2616. Who gave you these placards to post?—William Thompson.  
2617. Where does he live?—I could not say exactly

J. Dixon.

exactly tell you where he is living now; he lived then at Saintfield.

2618. Where was it he gave you those placards to post?—He came up to the market house where I was standing.

2619. And gave them to you there; was he employed in the tally-rooms?—I beg your pardon; I do not want to sit here and tell lies; I want to tell the truth.

Mr. Justice Barry.] Then take down your hand and tell it; go on.

2620. Mr. Shaw.] Who gave you this parcel?—William Thompson; he came out of the tally-rooms, but I do not know who gave them to him. The last man that I saw with one of those bills, stating that Crawford had resigned, was Mr. Wilson.

2621. Mr. Thompson gave you the bills, and you posted them; when were you paid for that?—I was paid on this day fortnight.

2622. Who paid you?—Mr. John Coulter.

2623. Is that the solicitor?—No, he is an assistant surveyor.

2624. Does he live in Saintfield?—Yes.

2625. And he was acting for the Conservatives at the election?—He was the man who employed me.

2626. And he paid you for all your posting?—Yes.

2627. Mr. Baron Fitzgerald.] Are you a voter?—No.

Cross-examined by Mr. Macdonagh.

2628. I suppose, my good man, you cannot read?—No.

2629. That is one of the essential qualifications of a bill-poster; you did not know what this placard was?—No.

2630. At what hour, will you please tell me, were they given to you to be posted?—About three o'clock.

2631. I believe the polling was nearly over at that time?—No; it was open until five o'clock.

2632. Did you see the last witness, the man

who went to Belfast, Hugh Beattie?—I did; I found him anyway.

2633. Where did you find him?—Striking me across the jaw for putting up the bill; I know the gentleman; he is a good man too.

2634. And was it for that you threatened the action at law (and very properly)?—I never threatened to bring an action.

2635. Did you hear him swear that you had done so?—No, I was not in court.

2636. But if he swore that you threatened to bring the action against him that would not be true?—Well, it might be true enough; there has been many an action brought against me for striking, or striking at.

2637. And you know what an action is of course?—Yes.

2638. You say this was about three o'clock in the day that you saw this man; did he come up at once and give you a blow?—I think he had been standing there.

2639. Looking at you?—And fifty more forbye him.

2640. Did you hear them all laughing about the trick "that Finnegan" had played, as they called him?—I do not know Finnegan.

2641. Had you put up any of those placards at the time you got the blow?—Well, I am on my oath, and I could not tell.

2642. Were you beginning to put them up?—I only put up one; the other part of them were pulled from under my arm.

2643. And was it torn down immediately?—By Mr. Wilson. I am sitting here, just telling the candid truth.

2644. And that is what you meant when you said that Mr. Wilson was the last person in whose possession you saw the placard?—He just tore it down behind me. I turned round to see if it was up, and it was down; he had it in his hand.

2645. And they stole the others from you; took them from behind you?—They pulled them away.

[The Witness withdrew.]

WILLIAM KRON, sworn; Examined by Mr. Murphy.

2646. ARE you a voter?—Yes.

2647. Were you in Saintfield on the day of the polling, at the last election?—No.

2648. Did you know a man of the name of Robert Cochrane?—Yes.

2649. You did not go in and vote, I believe, at all at the last election?—No.

2650. Do you know a man of the name of Henry Russell?—Yes.

2651. Do you recollect being in Saintfield sometime after the election, and meeting Henry Russell?—Yes.

2652. Did you, about the same time, meet Robert Cochrane?—Yes.

2653. And you were talking about the election, I suppose?—Yes.

2654. Who was your landlord?—Mr. Keen Boyd.

2655. Had Mr. Boyd been asking you for your vote?—No.

2656. Did he say anything about your coming in to vote at all?—He was talking about it.

2657. When was he talking about it?—Before the election.

290—Sess. 2.

2658. How many days before it?—I could not say, indeed.

2659. Did you afterwards tell Russell and Cochrane what had passed between you and Mr. Boyd?—

Mr. Macdonagh.] Is this in the bill of particulars; I do not find this name in the bill of particulars at all.

Mr. Porter.] The bill of particulars gives the names of certain men, and then says, "others whose names are not known to the petitioners."

Mr. Macdonagh.] This man's name is not in the bill of particulars.

Mr. Macdonagh.] And no bill of particulars has been furnished amending the original one, by leave of the Court.

Mr. Murphy.] Your Lordships will see that that bill gives them the particulars, so far as they were known to us at the time.

Mr. Justice Barry.] I was going to say, was not that the phraseology of the order "so far as was known at the time of the service of the notice?"

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Mr.

J. Dine.

19 June  
1880.

W. Kron.

W. Keen.  
—  
19 June  
1882.

Mr. Murphy.] Exactly, my Lord.  
Mr. Justice Barry.] That was so in another case. I do not know whether it is in this.

Mr. Baron Fitzgerald.] Mr. Macdonagh's objection is, that although that might warrant you in requiring to serve further particulars, it does not warrant you in giving evidence without further particulars.

Mr. Macdonagh.] Yes, my Lord; and although it might be very well in a small borough where, as Mr. Justice Barry very justly observed, everybody knows everybody, in an immense county it is a very different matter.

Mr. Baron Fitzgerald.] Under what head does this come; is he a person who was intimidated, or a person who intimidated?

Mr. Murphy.] A person who was intimidated.

Mr. Justice Barry.] In one of the cases there was a long discussion, and certainly it was understood that the names of persons who were bribed and intimidated need not be given, any further than was known at the time of the service of the bill of particulars.

Mr. Macdonagh.] I do not dispute that at all; but as soon as the party discovered a new name, notification should be given of it, because the settled rule now is this: Baron Martin says, that it requires the strongest evidence (and that it should be on summons) of the time when the knowledge reached you. I will give your Lordship the case. His Lordship made that observation on the second day of the investigation.

Mr. Barry.] I referred to the case myself in which the Common Pleas in England said that the particulars should be, as far as is known, but there was a contention as to whether the words should not be put in, "as far as known at the time of the service." It was said, that that meant constructive notice; that if the petitioner proceeded in a case which he knew all about at the time of the service of the notice of particulars, and did not furnish the name, it would be rejected.

Mr. Macdonagh.] Your Lordship has given a full, true, and perfect account of what occurred on that occasion; and it was then considered that, of course, if they did not know it, they could not give it at the time of furnishing the particulars. The knowledge at the time of furnishing is the all important matter. Now, my Lords, I will trouble you by a reference to the case of the borough of Bodmin, page 118.

Mr. Justice Barry.] Is this gentleman alleged to have been intimidated?

Mr. Murphy.] Yes.

Mr. Justice Barry.] The observations I made only applied to the intimidators.

Mr. Macdonagh.] I will cite to your Lordships two cases: "*Redwell, &c.*," in opening the petitioner's case, said he intended to call evidence to prove that one Bray had offered money to two men, &c." (*The learned Counsel read down to the words*) "should be mentioned in the particulars." In the *Cheltenham* case, page 65 (*1 O'Malley and Hardcastle*), Mr. Huddleston, at the beginning of the case, asked permission, and Baron Martin said, "I shall require a very

strong affidavit, &c." (*reading down to the words*) "the second day of the trial." And, my Lords, the policy of the Act of Parliament is, that you should give the information if it be known, and if the knowledge reached you before the time of furnishing the particulars, then the suppression of that would violate the very spirit itself. If, on the other hand, the knowledge reached you after the furnishing of the bill of particulars, I submit the plain duty of the petitioner was to apply for liberty by summons to the court, as to one of your Lordships, to add this new matter.

Mr. Murphy.] I submit that I should be allowed to go into this evidence. The name of Mr. McKeon Boyd is put down as one of those who had exercised undue influence with respect to a particular man whose name is given, and we add, "And others whose names are unknown to your petitioners," that is at the time we gave the particulars. We had not this man's name at the time, and we only discovered it very recently. Mr. Boyd himself was summoned here, was in court all day yesterday, and will be in attendance, so that it is no surprise upon him or the parties. If the evidence is such that they might be taken by surprise, of course time should be given to them to produce any evidence that they may want in order to meet it; but considering the form of the order on our particulars, and the form in which we gave them, I submit, my Lords, it would be very unjust to shut out this evidence.

Mr. Baron Fitzgerald.] The objection is this: your particulars state, "And others whose names are unknown." That is the excuse you gave, that you did not know the names; but if you knew those names four days ago, why should that excuse serve you. Does not the very form of the order show that you are obliged to give the excuse, if you do not mention the names, and is not the fair consequence of that that you ought to inform them the moment you do know it?

Mr. Murphy.] I cannot tell your Lordships at present what is the exact time that we did know it.

Mr. Baron Fitzgerald.] Well, this inquiry is likely to take up some time; is it worth your while to add the names of the persons with regard to whom you want to produce evidence now?

Mr. Justice Barry.] There is this distinction besides, that they did give notice that they meant to rely upon other persons, and possibly it might have been for you upon that to object to the insufficiency of the particulars.

Mr. Baron Fitzgerald.] Yes, that might be unfairly used.

Mr. Macdonagh.] The object of the Act of Parliament was to give the parties the opportunity of cross-examining.

Mr. Justice Barry.] Certainly, and as I intimated in the Court of Common Pleas, if the case occurred where knowledge was in the persons at the time, I never would consent to allow the case to be again gone into.



or allow any amendment in the Bill of Particulars.

Mr. Macdonagh.] I will tell you what they did further. On the 12th of June they served a notice to add new cases of their own mere motion, and this gentleman's name is not put into the new notice either.

Mr. Murphy.] It is not like the case of bribing different persons. Of course when we have mentioned the name of a particular landlord who exercised undue influence on his tenant by communicating with him, they would know whether he spoke to any of his tenants, or what particular ones he did speak to, if he did speak to any. All the knowledge is with the man himself, and it could not be suggested that they were taken by surprise.

Mr. Justice Barry.] I observe that judging from the question already put, I very much doubt whether this man is in a position to give any legal evidence at all.

Mr. Moore.] Would it be an unfair thing to do, assuming there is anything material, as to which I am not in a position to say, that if necessary, we should adjourn the cross-examination until we communicate with Mr. Boyd.

Mr. Macdonagh.] That is what I suggested, but in consequence of what Baron Fitzgerald has said, I think it would be not allowing more than just latitude to my friends, that there should be that opportunity given them.

Mr. Justice Barry.] I think that is fair.

Mr. Baron Fitzgerald.] Really the very form of the order suggests that they should be supplied with the names as soon as they have any.

Mr. Murphy.] I think so. (To the Witness.) Now, did you tell Mr. Russell and Mr. Cochrane what had taken place between you and your landlord?

Mr. Macdonagh.] I object to that.

Mr. Justice Barry.] That is just what I expected.

Mr. Murphy.] I propose to ask, did he communicate the conversation with his landlord about his vote; I want to see what that is. I am not asking for a moment what he told to others, but I am asking did he tell to them what occurred between him and his landlord.

Mr. Macdonagh.] That is exactly what I object to.

Mr. Murphy.] Well, I will ask it.

Mr. Baron Fitzgerald.] I think the direct course is to ask what passed between them, and if he does not give you the answer you expect, you can cross-examine him.

2660. Mr. Murphy.] Very well, my Lord. (To the Witness.) You say he speaks to you about your vote; I mean your landlord, Mr. Boyd?—Yes.

2661. What did he say to you about it?—I could not exactly say what passed.

2662. What did you say to him?—I told him that I was not intending to vote at all; that I was not going to vote.

2663. Did he desire you not to vote?—No.

2664. Did he say anything as to your voting; what the effect of it would be?—No, he did not.

2665.—Sess. 2.

2665. Did he say it would displease him?—He did not.

2666. Had you a lease?—No.

2667. Now, tell me; did you say to anyone that your landlord insisted on your not voting?

Mr. Macdonagh.] I object to that; it would be opening a door to very great mischief and misconduct that after an election people should come and converse with voters, and try to elicit something which they afterwards could represent in this way.

Mr. Baron Fitzgerald.] Surely if a party has made a statement inconsistent with the evidence which he now gives, he may be cross-examined as to that statement.

Mr. Murphy.] There is a section of the Common Law Procedure Act which points to that; it is done every day.

Mr. Baron Fitzgerald.] It is ordinarily in the judges' discretion to say whether they will allow a counsel to cross-examine a witness whom he himself has called. It would be next to impossible to apply a discretion of that kind if it were not applied to a case of this description.

2668. Mr. Murphy.] Quite so, my Lord. (To the Witness.) Did you say to Mr. Russell that your landlord insisted upon your not voting?—I think not.

2669. Come, now; you were talking with Russell and Cochrane; did you, in answer to their saying something about your not voting at the election, say that your landlord insisted upon your not voting, stating that it would displease him, and that you had no lease?—There was no talk about the lease at all.

2670. Did you say that your landlord insisted upon your not voting?—No.

2671. I am not asking you whether there was a talk about the lease between you and your landlord, but I am asking this: Did you say to Russell and Cochrane that your landlord insisted upon your not voting; that it would displease him?

Mr. Macdonagh.] That has been answered distinctly, and the Witness said he did not; and I really must take the opinion of the Court upon this, because it has recently come before Baron Martin on these Election Inquiries, which are made a sort of inquisition, instead of the usual course being taken. I will read your Lordship the case, "*Michael Moran Examined for the Petitioner*," &c. (The learned Counsel read the *Bradford* case to the words, "nothing adverse in it.")

Mr. Baron Fitzgerald.] For my part, I see a determination in this man's mind not to answer this question at all, if he can avoid it.

Mr. Murphy.] If your Lordship once decides that he is a hostile witness, I submit that I am entitled to ask it.

Mr. Baron Fitzgerald.] When parties are obliged to call witnesses from what has been fairly called the hostile camp, a very slight thing would satisfy me that they ought to be subjected to cross-examination. However, he has answered the question most distinctly.

Mr. Justice Barry.] I thought Mr. Macdonagh was going to make some unusual objection; but he says that the question

W. Eves.

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was

*N. Keon.*  
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was answered before; but inasmuch as the practice now-a-days is to ask each question a dozen times, I do not think we can shut this out.

2672. *Mr. Murphy.* Did you tell Mr. Russell what passed between you and Mr. McKeon Boyd?—Very likely; I think I did.

2673. Did you tell him it was because of what passed that you did not vote?—I was not in time to vote.

2674. Did you tell him that he need not be angry with you for not voting because of what Mr. Boyd had said to you?—I could not say indeed.

2675. Did you tell him that Mr. Boyd insisted on your not voting?—No; I think not.

2676. Did you tell him that Mr. Boyd had said it would displease him if you went in to vote?—No.

2677. Do you recollect Russell refusing to shake hands with you when you met him after the election?—I do not.

2678. Did you tell Cochrane anything as to what passed between you and Mr. Boyd?—I might.

2679. Did you tell Cochrane that you would explain to him why you had not voted?—That I would explain to Cochrane?

2680. Yes; did you ask him to go and take a treat till you would explain to him why you had not voted?—No, I think he asked me to take a treat.

2681. Did you tell him you would explain to him why you had not voted?—I do not remember any conversation when we were talking of the treat about the voting.

2682. Or after it?—Or after it.

2683. Was it before it?—Before it.

2684. Did you tell Cochrane before it why you did not vote?—How I did not vote?

2685. Why you had not voted, or how you had not voted; I suppose it would be the same; did you tell Cochrane?—I do not remember what passed between Cochrane and me.

2686. When you met Cochrane, was Russell leaving?—No, Russell was not there at the time at all.

2687. Did you tell Cochrane that Russell was angry with you for not giving in the vote?—No, I did not.

2688. What occurred between you and Cochrane about the vote; did anything?—Very little.

2689. It being very little, do you recollect what it was?—I do not, indeed.

2690. Was Mr. Boyd's name mentioned in it?—I think so.

2691. Did you tell him it was for fear of Mr. Boyd's anger; come, did you tell Cochrane that?—That I did not vote?

2692. Yes?—No.

2693. What did you say to him?—I do not remember what I said.

2694. How long before the election had Mr. Boyd been with you; how many days?—I could not exactly say; a short time before it.

2695. Did he ask you to stay at home?—He asked me, was I going to stay at home?

2696. Was that the first thing he asked you?—No.

2697. What was it he asked you first?—I could not say, indeed; we were talking about general subjects.

2698. And then he asked you were you going to stay at home and not vote?—He did not ask me not to vote, but he asked me, "Was I going to stay at home?"

*Mr. Baron Fitzgerald.* I thought this was after the election.

2699. *Mr. Murphy.* No, before the election; what did you say to him; did you say you were?—I told him I was going to stay at home.

Cross-examined by *Mr. Mesrobian*.

2700. At the time you say you had this conversation with Mr. Boyd about voting was there any person with him?—Yes, his sister was with him.

2701. A lady?—Yes.

2702. You say you had made up your mind not to vote at the election?—Yes.

2703. Before Mr. Boyd came to ask you at all?—Before he came at all.

2704. *Mr. Justice Barry.* You did not vote, as I understand?—I did not vote.

2705. *Mr. Mesrobian.* Who were Russell and Cochrane?—Neighbouring farmers.

[The Witness withdrew.]

ROBERT COCHRANE, sworn; Examined by *Mr. Porter*.

*R. Cochrane.*

2706. Do you know the Witness last examined?—Yes, I do.

2707. Do you remember, shortly after the election, his speaking to you on the subject?—Yes, I met him.

2708. Did he make a statement to you?—

*Mr. Meesonagh.* I object to this. I contend that it is full of danger to society that, after the election, and when the man has been fully cross-examined, and given his answers clear and distinct (and he was cross-examined as a hostile witness by permission of the Court), that your Lordships should be asked to believe statements which may be entirely the contrary upon his being asked to go in a place and take drink.

*Mr. Baron Fitzgerald.* I always thought

you might prove that a witness had made different statements to other people from that which he speaks to in the witness box. It is expressly provided for by Act of Parliament. The question is, whether the fact is material; and if it is material, can you show that the witness has at other times made statements inconsistent with that fact. The weight of the evidence may be quite a different matter.

*Mr. Meesonagh.* I argue it is feather-weight, even if it is contradicted. I submit my objection to the Court.

*Mr. Baron Fitzgerald.* You can prove that the witness has made inconsistent statements.

2709. *Mr.*

2709. Mr. Porter.] Were you in Court when Keown was examined to-day?—Yes.

2710. Did he speak to you about the reason why he did not vote?—I was at the fair selling a cow, and he came forward and helped me to sell the cow, and during the time that we were selling this cow Mr. Russell came forward to him and he reached out his hand to shake hands with Mr. Keown, but he rather declined to take his hand; I mean Russell did.

2711. Mr. Baron Fitzgerald.] Who stretched out his hand?—This Keown, and Russell rather declined in giving his hand, but he did give it. You would have thought he was rather withholding it. He went away with us. Keown stopped with me until I sold the cow; then I asked him to have a glass of wine and we should have some talk about the election. "Very well," says he, "Mr. Russell is not pleased at me about being intimidated with my landlord, and he did not come forward to vote, for he had asked every man not to vote in the townlands as well as him, and he should have voted. Well, during the time I was in the house getting half a glass of wine, he said to me, why he did not vote on account, he thought that it would be better to have the displeasure of his neighbours against him for not voting than to have his landlord's displeasure."

2712. Did he say what Mr. Keown Boyd had said to him?—No, he said he would rather stay at home and not vote.

2713. Mr. Justice Barry.] Mr. Keown Boyd said that?—Yes.

2714. And the man did stop at home?—Yes.

2715. Mr. Porter.] Was that all?—Russell came round again and met us when we came out of the house.

2716. Did he tell you what Mr. Keown Boyd had said?—No; he said he wanted him to stay

at home and not vote, and his neighbour was angry because he did not vote; he said he thought it was better to have the displeasure of his neighbours than to have the displeasure of his landlord, and he did not vote.

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Cross-examined by Mr. Meenanagh.

2717. You were selling a heifer at the market?—A cow.

2718. You say that when this man held out his hand to Russell, Russell refused to take it?—Rather, and he went away and hardly spoke to him.

2719. In fact, all that occurred between them was that this man held out his hand, and Russell walked off, not accepting the hand?—He told me he thought the cause of it.

2720. There was no conversation between he and Russell?—No.

2721. None?—No.

2722. Then you asked them to take a drink?—At that time I only asked Keown; Russell was not there at that time.

2723. And the very next he told you about what Boyd had said was that he wished him not to vote, and he stayed at home?—Yes.

2724. Did he tell you that he had made up his mind not to vote before that and that he did not vote?—He did not; he thought he had better have the displeasure of his neighbours than his landlord.

2725. That is the displeasure of his neighbours, such as you say Russell exhibited?—Yes.

2726. Was there any arrangement between you and Russell that you should hold a conversation with him?—No.

[The Witness withdrew.

EDWIN WILSON, sworn; Examined by Mr. Murphy.

2727. HAD you pulled down one of these hills on the day of the polling?—Yes.

2728. Besides that, had you seen any more of them at any place?—Inside, the tally-room was plastered with them.

2729. That is the tally-room of Lords Hill and Castlerough?—Yes.

2730. About what hour of the day did you first see it?—About half-past two o'clock.

2731. Were you engaged in any of the tally-rooms yourself?—No.

2732. Was the billsticker present when you pulled the one down?—He was.

2733. Was that the one in the market-place?—Yes, opposite the polling booth.

2734. Where were those on the windows of the committee-room?—They were facing the

front street, and then facing the polling booth at the corner house.

2735. How long were those kept up in the windows of the committee-room?—To between five and six o'clock, I suppose.

2736. When they were taken away?—Yes.

Cross-examined by Mr. Massey.

2737. Did the polling go on until five o'clock?—There were some late, even at five o'clock.

2738. They all went and got their tickets and voted?—Up to five o'clock, but there were some after five o'clock.

2739. They were too late to vote?—Yes, they were too late.

[The Witness withdrew.

WILLIAM HART, sworn; Examined by Mr. Porter.

2740. DID you take part in the election at Downham?—Yes.

2741. Were you engaged on behalf of Lord Hill and Lord Castlerough?—I was not engaged at all.

2742. I am not saying you received payment. Were you sub-agent, or assisting them for that district?—There was a man sent from Belfast to

manage, who was in our house, and I was occasionally with him.

2743. Do you know a gentleman of the name of Howe?—I do.

2744. Did he communicate with you about the election? Did he tell you what you were to do?—He did not.

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2745. Had

W. Hart.

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2743. Had you anything to do with the hiring of the cars?—No; I was not the car agent.

2744. That is not what I asked you. Had you anything to do with the hiring of cars without being a car agent. Did you hire cars for the election?—There was first a poster in the town of Dromara; one man has one car, and there is another who occasionally does a job when he can get employed. The poster was engaged.

2747. Did you engage any cars?—I do not think I engaged any cars; there was a meeting of the committee previous to the election.

2748. How do you know there was?—I was a member of it.

2749. You did not tell me that before. I asked you if you had anything to do with the election?—Well, I was a member of the committee. There was a meeting of the committee, and the committee went round two or three days before the election, and they took down the names of the persons who would require seats, or who required to be brought up to vote.

2750. Who took those names down?—The committee, who went round.

2751. You were one of the committee?—I was.

2752. Did you take them down?—I took the names of two individuals.

2753. What were their names?—One was Robert Douglas, and the other, I think, Scott.

2754. Were they voters?—Neither of them; one was a covenantant.

2755. A covenantant might have a vote?—But he did not vote, and another man, John Wallace.

2756. Would a covenantant pay for a car, I wonder?—I am sure he would.

2757. Was he on the list of voters?—He was on the list; he did not vote.

2758. Was Scott on the list?—He was not.

2759. Did you engage the cars?—I did, those days.

2760. Have you any cars of your own?—No; I have a tax cart.

2761. Was it used?—It only brought one person, and I may tell you, there was no arrangement for it on that day. It was merely an accident. One of the cars was to bring a man who was in Dromara at the time. That car went round. A son of mine was sent off. I do not know who told him and brought him up.

2762. Can you tell me who was the man on the committee who would be able to tell us about cars that were hired?—Yes; there was Thomas Bradford and Sam Bell.

2763. Is Thomas Bradford here?—Not that I know.

2764. And Sam Bell?—Not that I know.

2765. Did you see the list for the cars?—I saw the names of the persons who had cars.

2766. Did you see the amount of money offered them?—No; I did not.

2767. Did you see the list in the committee-room?—Yes; it was there.

2768. Was that before the election, or after it?—I saw it both before and after.

2769. Was it arranged about what the cars were to be at the committee-room?—There was not a word about it.

2770. Was Mr. Howe up there?—He came one night, after the carriages went round once.

2771. Did Mr. Howe tell you what the price was to be, or was it to be the same as before?—He never mentioned it to me.

2772. Were you engaged in the 1878 election?—I was.

2773. Had you any claim at the 1880 election?—No; I had the committee-room. The committee-room was in my own house.

2774. Were you paid for it?—I was not; it was not taken from me at all; we just sent up word about it.

2775. Did you engage a man of the name of James Hamilton?—No.

2776. Or speak to him about his car?—I am sure I was talking to him.

2777. What did you say to him about his car?—I could not tell you that.

2778. What did you say about his car at the election?—I do not remember it at all.

2779. Did you tell James Hamilton to send his car, and he would be paid the same as the rest?—I do not remember anything of that sort; he was a committee-man and he was present.

2780. And he knew he would be paid the same as the rest?—He was present and heard all that passed.

Mr. Kirby.] The Witness does not say that.

Mr. Porter.] We know what he says.

2781. Did you see that "Belfast News Letter," with the article in it about "Is the ballot a secret"?—No, I do not remember it.

2782. Do you remember a parcel of papers coming down from Mr. Finnegan to the committee?—I remember several parcels coming up from that part.

2783. That is from the Lombard-street rooms in Belfast?—Yes.

2784. Do you remember that article in particular?—No, I do not remember it in particular.

2785. You never heard him talk about it?—I did hear of it before the election, but I never saw it in a paper that came.

2786. You did not read it in the papers that came?—No, not half.

2787. Did you hear any talk at the committee-room about whether the ballot was secret or not?—I believe it was not named in the committee-room.

2788. When the parcels came what was done with them?—They were brought into the committee-room, and occasionally given to the bill-posters.

2789. If placards, but what if they were newspapers?—Some of the newspapers contained reports of the meetings that Lord Hill and Lord Castlereagh had.

2790. What were the bill-posters to do with the newspapers?—I think the newspapers were in the house, and some of them are in the house now; most of them.

2791. Will you swear none were sent out?—When some were sent out they were sent to voters.

2792. To be sure. Were they sent by hand or by post?—They were sent by hand; it is a mountainous district, and it might be in the bill-office two or three days.

[The Witness withdrew.]

JOHN FORSYTH, sworn; Examined by Mr. Murphy.

2793. Did you vote at the election?—I did.  
 2794. Were you yourself employed in any way at all for Lords Hill and Castlereagh at that election?—Not at all.  
 2795. Was any son of yours employed?—I believe so.  
 2796. Does your son live with you?—Yes.  
 2797. What was he employed as?—He was employed in the committee-room.

Mr. Meadeagh.] I have over and over again objected. I suppose your Lordship will take it I have objected to it. There is no charge of colourable employment. He has said he was not himself employed.

Mr. Baron Fitzgerald.] He might know something which was done. It does not follow, because a man was not employed at an election, he may not be able to give material evidence with respect to it.

Mr. Murphy.] It was only a question as to the son's employment.

2798. What is the age of your son?—About 18 years of age.  
 2799. Did you yourself know what he was paid, or to be paid?—He was paid.  
 Mr. Justice Barry.] Under what head does this come?  
 Mr. Murphy.] It is the same as the employment of the father; he is living with him.

DAVID WATSON, sworn; Examined by Mr. Murphy.

2803. ARE you a voter, Mr. Watson?—Yes.  
 2804. And voted at the last election?—Yes.  
 2805. Were you employed in any capacity at the last election?—I was not.  
 2806. Had you any care?—I had.  
 2807. How many did you supply?—I was connected with two.  
 2808. Were you paid for them?—I was not.  
 2809. What were you to be paid for them?—There was no agreement.  
 2810. You were to be paid what the others were to be paid?—I was not.  
 2811. Who asked for the care from you?—There was no one; I went and proposed to our neighbours in townlands to take men who were not fit to travel.  
 2812. Did you get a ticket or a card?—I did not. What I took the second time was merely to practice a young mare I had for sale.  
 2813. Were they both on the day of the polling?—Yes.  
 2814. One was before the polling?—They were both on the day of the polling. It was to drive a young mare.  
 2815. Who was the person in command of the car there?—No one ordered my car.  
 2816. You did not send any account in?—I sent no account in. These men asked me to send in my account; I did not do it.  
 2817. Who asked you?—There were different parties asking about a month after, and I said I had no claim.

Mr. Meadeagh.] I submit it is a violation of every right which this statute has laid down and this Court has ruled upon.

2808. Mr. Justice Barry.] What was your son employed as?—I think it was as clerk in the tally room.  
 2809. He got paid for that, I suppose?—Yes.  
 2809. He kept the money himself?—Of course he did.

Mr. Baron Fitzgerald.] If the father had been employed himself it would have been another matter.

Mr. Murphy.] We have called several witnesses who have not attended to-day. I am afraid we have not any other witness to-day. We have gone through them very rapidly to-day. As to the summoning of a great number the conducting agents are obliged as far as they can to avoid expense. There are a good many summoned for particular days. Some do not answer. We have summoned other particular witnesses for Monday. As far as it is possible to calculate we have brought them here, and we thought we had more than enough to last the day. I am told there are now one or two here who might be called.

[The Witness withdrew.]

2818. Who were the parties who asked you to send in your account?—Mr. Howe; Macgaw, of Benbridge, asked me to furnish mine. I said he had no claim. I did not make any agreement.

2819. When did this gentleman, Mr. Macgaw, of Benbridge, ask you to send in your account?—About a month after the election.

2820. You never saw Mr. Card about it?—I went to the committee-rooms myself on the day of the polling; the day of the polling was a Wednesday, I said "there were persons on the townlands who sent in cars," and I said, "I would take my car to take the old men who could not walk."

Cross-examined by Mr. Meadeagh.

2821. Repeat that answer?—I went into the committee-rooms on the day before, and there were two voters in townlands, and they would not have a car unless over two miles distant; they were men who were not fit to travel; I said "I would take them," and they put down my name on the list for bringing them. I said, "I had two horses in the stable, and if I had cars, I would be only too happy to put them on the road."

2822. You made no claim, because you had none?—No.

[The Witness withdrew.]

J. Fongah.  
 19 June  
 1886.

D. Watson.

## JOSEPH WATSON, sworn; Examined by Mr. Porter.

J. Watson. 2823. Did you vote at the last election?—  
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 1860.

Mr. Moore.] This gentleman's name does not appear on the original list; I believe there was a supplementary list furnished some few days ago in which his name does appear.

Mr. Porter.] This was furnished on the same day as you would furnish us with yours.

2824. In what district did you vote?—In Banbridge.

2825. You are a farmer in the neighbourhood?—Yes.

2826. How far do you live out of Banbridge?—About three short miles.

2827. Have you a car of your own?—No.

2828. Had you a car that day?—No.

2829. How did you go in?—I walked a piece.

2830. How did you do the rest?—A man lifted me on the road.

2831. On to a car, I suppose?—Yes.

2832. Who was that?—A brother of mine.

2833. What is his name?—David.

2834. Is that the last witness?—Yes.

Then I think I will not ask you anything further

[The Witness withdrew.

## CHARLES ADAMSON, sworn; Examined by Mr. Shaw.

C. Adamson. 2835. You are a Voter?—Yes.

2836. And voted?—Yes.

2837. You are a farmer?—Yes.

2838. And have a car?—No.

2839. You have no car?—My son has a car.

2840. Mr. Justice Barry.] Was the horse

yours?—My son has a peat car from Poista, Pass to Newry.

2841. Do you mean to say you had no car of your own?—No; I had not.

2842. You did not drive a car at all on the day of the election?—I have none.

[Adjourned to Monday Morning,  
 at Eleven o'clock.

*Fourth Day.—Monday, 21st June 1880.*

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Mr. Baron Fitzgerald.] For the last two days of this trial proof has been made in respect of a number of cases belonging to the same class. It has been proved that conveyance for reward was furnished to Lord A. Hill and Lord Castlereagh, and therefore to Lord Castlereagh by diverse persons for canvassers previous to the day of election, and for voters for the purpose of polling on the day of election. It has been proved that a good number of persons so furnishing conveyance for reward were electors who voted at the election. By the 25th section of the Ballot Act of 1872, it is provided that, where on the trial of an election petition such as the present, any person retained or employed for reward on behalf of a candidate, for all or any of the purposes of such election, as agent, clerk, messenger, or in any employment, is proved on such trial to have voted at such election, there shall on a scrutiny be struck off from the number of votes appearing to have been given to such candidate, one vote from every person who voted at such election, there shall on the scrutiny be struck off from the number of votes appearing to have been given to such candidate one vote of every person who voted at such election, and who is proved to have been so retained or employed as aforesaid. The contention of the Petitioner here is, that a number of votes, corresponding to the number of persons who (being electors and who voted) are proved to have furnished such conveyance for reward, ought in this case to be struck off from the number of votes appearing to have been given to Lord Castlereagh. I think it would be very hard to contend that these persons were not employed for some of the purposes of the election; I think the conveyance of canvassers and of voters for the purpose of polling in counties are such. On the other hand, however, I think it is very difficult to contend that they were so employed in an employment within the meaning of the statute, and I confess quite impossible so to contend if the words "any other employment" are to be read as meaning the like with the employment of agent, clerk, or messenger. Reading this section of the statute by itself, and on that reference to antecedent legislation, I should say it was clear that the words "in any other employment" following the words "employed for all or any of the purposes of such election as agent, clerk, or messenger," must mean any other like employment, there could be no other way of reasonably accounting for the somewhat awkward form of expression, "employed in any employment." Every man who is employed has an employment, and is employed in such employment, and the only reason of the awkward form of expression, and what reason is furnished by the context, could be, that the section was not intended to apply to any case of employment for the purposes of the election, but only to the cases of persons employed for the purposes of the election in some particular class of employments, which class is indicated by the cases specified. But the consideration of the 25th section of the Ballot Act, with reference to antecedent legislation, seems to me to put the matter beyond doubt. The immediate object of that section is not to avoid votes at all, but to take from a candidate a number of votes equal to another number (which, for anything that appears, might have been given to his adversary and remain valid) without the necessity of inquiring to whom those votes were given. But the section includes not only the votes of persons retained or employed as aforesaid, but also names of persons bribed, treated, or unduly influenced by the candidate or his agent against whom the number is struck off. Now, every vote of this nature is avoided by antecedent legislation, and the intention plainly was to ensure that there was actually a void vote given for every vote struck off, though the loss might possibly fall on the wrong party. The intention was to take from the bribing, treating, unduly influencing or employing candidate the benefit of the number of votes bribed, treated, influenced, or employed, but so, nevertheless, that as greater number of votes should be struck off than the number actually proved to be void. Now, the law, which in Ireland avoids votes given by electors retained or employed by or on behalf of a candidate, is found in the 8th section of 31 & 32 Vict. c. 49, which in terms corresponds with the 11th section of the English Act 30 & 31 Vict. c. 102, and it is in these words: "No elector who, within six months before or during an election, shall have been retained, hired, or employed for all or any of the purposes of the election for reward, by or on behalf of any candidate at such election, as agent, canvasser, clerk, messenger, or in any other the like employment, shall be entitled to vote at such election, and if he shall so vote shall be guilty of a misdemeanour." There can, I think, be no doubt that it is a number of votes equivalent to the number of votes so avoided that is to be struck off, and so the two statutes must be co-extensive; and the omission of the words "the like" in the Ballot Act no more alters the sense, as I have endeavoured to show, would be independent of that antecedent legislation, than does the omission in the same Act of the word "hired" between the words "retained and employed," or of the word "canvasser" between the words "clerk and agent," exclude those cases; it is more brevity of expression. Now, with reference to the nature of the employment, supposing similar employment with that of agent, clerk, messenger, to be intended, it is obvious that there are articles and things, the ordinary subjects of sale and hire, with which, for the purposes of an election, it is in early every case necessary that a candidate should supply himself, and such are either things already in existence, as rooms for his agents and clerks, lodgings for himself, and the like, or things created by the service of others, as the fitting of the rooms hired for the purpose intended, printing, conveyances for himself, his canvassers, or his voters, when provision for conveyance of voters is lawful, but in which last class of cases it is wholly indifferent by whom the services are rendered, whether by the person himself contracting or any other. No doubt there is a sense in which the persons furnishing such articles or things, rooms, printing, conveyances, are employed by the candidate and employed for the purposes of the election, but it seems to me to approach absurdity to say that such employment has any similarity to the employment of clerk, agent, messenger,

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senger, when it is not a matter of thing irrespective of the person, which is the real subject of hire or purchase, but the service of the person hired or employed. The only authorities referred to, without saying that they are precisely in point, recognise in principle this distinction, and there is no authority the other way, which seems inconceivable if the contention of the Petitioner be correct. It was attempted to make a distinction between the case of hiring or employing persons in their ordinary business or calling, and whose employment might therefore be considered as employment in their own business, from the case of hiring from or employing persons outside their business or calling; but it is enough to say, as to this, that the distinction is founded on nothing in the statute, which seems inconsistent with it. Surely, whether a clerk employed for the purpose of the election is or is not within the statute, cannot depend on whether his ordinary occupation is that of a writing clerk or not, and what would be the meaning of ordinary occupation as applied to agent or canvasser in such a context? It is to be remembered that the case relied on in this petition, so far as the question now before us is concerned, is wholly a case under the 25th section of the Ballot Act, is not a case of bribery by means of colourable employment. Bribery is not charged in the petition in any form; we must on this trial assume the employment in question to have been *bona fide*, and, indeed, there is no proof to the contrary, though I am far from saying that cases of this kind are not open to strong suspicion on this head, and I do not by any means commend the prudence or propriety of them. Yet it is also to be remembered that in the case of bribery, the second section of the Corrupt Practices Act, 1854, expressly exempts from its purview the case of money paid, though to a voter, for an account of any legal expense *bona fide* incurred at or concerning any election, and seemingly so exempts it, even though given with a view to induce a voter to vote or refrain from voting.

On the whole, I am clearly of opinion that the objection to the votes in question cannot be sustained, and that it would be idle to pursue the inquiry as to votes of the same class further. I have with great anxiety considered the propriety of reserving the question for the Common Pleas Division of the Court, but finding the only existing authority, as far as they go, in favour of my own view, finding not even the semblance of authority the other way, I myself entertaining no doubt on the point, and, above all, having the concurrence of opinion of my Brother Barry, I do not think we would be warranted in continuing a very long and expensive inquiry for the mere purpose of having the question further discussed.

Mr. Justice Barry.] I concur in the judgment which has just now been pronounced, and after the lucid and able manner in which the reasons which induced us to come to that conclusion have been expressed by my Brother Fitzgerald, I shall not attempt to weaken the force of what he has so ably expressed by traversing the same ground again. The argument before us was, that the question must be decided entirely upon the language of the 25th section of the Ballot Act. I am not sure, if we were to confine our consideration of the question entirely to the language of that section, that our decision would be different; but I am clearly of opinion that that section must be construed in connection with the 8th section of the Representation of the People Act (Ireland), that is, the Act of 1868. The 25th section, as my Brother Fitzgerald so clearly pointed out, does not make any vote void, does not declare any disqualification or disability, or impose any penalty; it merely provides, in view of the new procedure under the Ballot Act, that where votes of the character specified in the previous legislation have been given, and are void in that case, upon a scrutiny, an equal number of votes are to be struck off without any inquiry as to how the void vote was given. It has been said that the authorities point to a distinction between persons who are employed in their ordinary avocations as cabmen and fly drivers, as distinguished from persons so employed who do not make such services their usual mode of earning their livelihood or earning money. I confess I cannot find that distinction in the section in question. I think the fact that the man is employed out of his ordinary avocation for that particular purpose connected with the election may be very material if the charge in the petition is one of colourable employment, and bribery under the colour of that employment; but where, as I think here, we must assume the employment to be *bona fide*, I cannot find in the section which we have here to administer any such distinction as that between a person being employed in his ordinary calling and a person employed for the first time in that peculiar capacity. Here not only are we to assume, but I confess all the weight of the evidence clearly shows, that the employment of the cars upon this occasion was perfectly *bona fide*, not intended for any corrupt purpose whatever, and arose out of the necessity for procuring conveyance, and the impossibility of procuring that conveyance through the ordinary channels. The evidence so far as it has been given satisfies me that such was the case. I am of opinion that the votes of the persons who were referred to in the evidence are not void, and it would be idle for us to pursue the inquiry any further.

HENRY JOHNSON, sworn; Examined by Mr. Murphy.

H. Johnson.

2843. WERE you in any of the polling places on the day of election?—Yes, in Senforde.

2844. Did you know the district of Senforde prior to that day?—Not very well; I live in Downpatrick.

2845. Mr. Baron Fitzgerald.] What are you?—I am a law clerk, a clerk in the rent office.

2846. Mr. Murphy.] Are you aware that Colonel Forde is a very extensive landed proprietor there?—Yes.

2847. He was nearly the entire of the district?—Yes.

2848. In what capacity were you acting in the booth on the day of the election?—I was acting as inspector or agent.

2849. Was Colonel Forde in the booth during the day?—Yes, he was, during a considerable portion of the time, in the earlier part of the day; after that to 12 or one o'clock, when the polling was brisk.

2850. In what capacity did he appear to you to be acting there?—He did not appear to be doing anything, except walking about.

2851. Did you see anything occur with respect to



to any observation made by somebody to him as to the position he occupied in respect of persons marking the ballot papers?—Yes, first he was objected to for standing in the way of votes going into the secret department. Mr. Hurst objected to him doing that; he was acting upon the opposite side. After some talk, he removed a slight distance out of the way; that was shortly after the voting commenced. Then afterwards he was standing, not exactly behind, but rather sideways, where the presiding officer's clerk was marking the counterfoils of the papers, and looking down at the counterfoils. He was standing immediately beside him.

2852. Was he in such a position clearly that he could see the counterfoils being marked?—Quite well.

2853. Was this after the objection had been made by Mr. Hurst?—Yes.

2854. What was said by Mr. Hurst?—He did not say anything then; he was allowed to stand there some time. I spoke to Mr. Hurst about it.

2855. Only say what was said out to Colonel Forde?—After that he was in the same position, where he continued, where he had gone again. Then I spoke to the presiding officer himself, and the presiding officer said it had been objected to, his standing there. Then others objected as well, and there was a general conversation, and Colonel Forde said that he was only seeing that matters were done right, and gradually he moved away. I may say that I was very busy marking off the voters as they came in, and I did not hear the details of the conversation.

2856. Who were the other persons who were acting as personation agents there in the booth with Colonel Forde and the other gentlemen?—His agent, Captain Alexander, was there.

2857. What did Captain Alexander appear to you to be doing?—He was walking about. A good many agents were walking about; he was walking about too. I do not know what his duties were; I suppose he was a personation agent. He did not sit down at the table along with the rest of us.

Cross-examined by Mr. Macdonnell.

2858. You are a law clerk?—Yes, clerk in the rent office.

2859. Whose rent office?—Mr. Wallace's; I receive Mr. Wallace's rents.

2860. Mr. Wallace was a friend of Major Crawford at the election?—He took no part in it as far as I could see.

2861. You swear you did not know that he was a friend?—I swear I did not know he was intimate with Major Crawford and Colonel Forde, but I know that Mr. Wallace did not interfere in the election.

2862. Did you interfere in the election?—Not beyond that day; that was the only day I had anything to do.

2863. Did you write to the newspapers?—Yes, I wrote a letter to the newspapers after that.

2864. What did you sign yourself; what was your *nom de plume*?—“Observer.”

2865. You were agent in the booth?—Yes.

2866. And you signed your name “Observer”?—Yes, because I did observe it.

2867. Where did the letter go to; what paper was honoured by your communication?—To “The Northern Whig.”

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2868. A highly respectable paper?—Yes.

2869. How soon after the election did you do that?—I think it was about a week; I am not certain.

2870. Did it take you a week to compose that elegant extract?—No, it did not; there was nobody coming forward to say anything about it, and I thought I would do it.

2871. Nobody was coming forward to say anything about it, but you thought you would show how Colonel Forde did it?—I thought the whole thing was a caricature on secret voting; the whole proceedings at Seaford seemed very carelessly conducted; there were nearly 20 people in the booth as agents of one candidate or of another walking about.

2872. How many agents had Major Crawford?—He had as many as the others.

2873. It was a caricature?—Yes, a caricature on secret voting; the agents alongside were running up along with the voter at the door to get his voting paper.

2874. The agents on both sides?—The agents on both sides.

2875. And you were at the table?—Yes, I was at the table.

2876. Did you announce that; as you can write a good letter, you can make a speech; did you stand up and say, “Gentlemen, this is a caricature on secret voting”?—I was not the gentleman—

2877. Did you do it?—I did not. I wanted to tell you the reason I did not do so.

2878. I do not want your reasons; was Mr. Hurst a personation agent?—I believe he was.

2879. Was he one of those running up with the voters?—He was one of those walking about.

2880. Did he walk up with the voters?—I do not remember whether he was at the side of the voters or not.

2881. But you saw several agents for Major Crawford polling people?—I said that Mr. Parry and Dr. Crumney made it the practice to go up to every box.

2882. He made it the same practice?—It was apparently to give confidence to the voters.

2883. And they voted in vast numbers?—They did.

2884. Mr. Hurst is a very large employer of labour, is he not?—I did not know him until that day.

2885. What is his business?—Drumstoes mills.

2886. Spinning mills?—Indeed, I do not know.

2887. You never heard?—It is mills of some sort.

2888. Did you ever see them?—I did not.

2889. Is Mr. Parry an agent of the landlord of this county?—I do not know. It is Mr. John Parry.

2890. A gentleman of whom you speak; is he not an agent of a landlord in this county?—I do not know.

2891. He was a gentleman who used to come up with Dr. Crumney on the other side?—Yes.

2892. When you heard Colonel Forde say he was seeing only that things were rightly done, did he announce it publicly and openly?—He did.

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Re-examined by Mr. Murphy.

2893. You were asked about Mr. Hurst; how far from his place are his mills?—I cannot say; three, or four, or five miles.

Mr. Baron Fitzgerald.] From Seafords or Downpatrick.

2894. Mr. Murphy.] Seafords. (To the Witness.) Are the mills within three or four miles of Seafords?—Yes.

HUGH COCHRAN, sworn; Examined by Mr. Porter.

H. Cochran.

2897. WERE you in the Seafords polling booth on the day of the election?—Yes.

2898. Did you see the last witness, Henry Johnson?—Yes.

2899. Did you see Mr. Hurst?—I did.

2900. I believe Mr. Hurst is in England now?—I cannot say.

2901. Did you see Colonel Forde in the polling station upon that day?—I did.

2902. Did you see his agent, Captain Alexander?—Yes.

2903. Were you there on the polling day?—Yes, from the time the polling commenced to the finish.

2904. Were Colonel Forde and his agent there during the entire time also?—Colonel Forde went away in the after part of the day.

2905. During the time he was there, was he busy at anything; what was he doing?—He seemed to be walking about.

2906. Do you recollect hearing any objection made?—Mr. Hurst objected to his standing between the presiding officer and the secret box.

2907. That is where the voters voted?—Yes.

2908. Was he at that time standing in that position?—Yes, he was standing between where they got their ticket, and where they recorded their vote.

2909. After that did he move elsewhere?—After that there was some discussion. Mr. Hurst called upon the presiding officer to have him removed.

2910. What happened upon that?—There was some talk. Colonel Forde said he did not think he was interfering with the voters.

2911. Where did he remove to?—Shortly after that he went a little to one side of the room.

2912. In what position?—It was away from the voters.

2913. And afterwards did you see him at any other place?—Yes; in the afterpart of the day, he was objected to again by Mr. Mills, another of the agents.

2914. On behalf of Major Crawford?—Yes.

2915. What was the objection then; where was he?—He was standing convenient to where they were getting voting papers.

2916. Could he have seen what was on their voting papers at that time, if he was disposed to do so?—Yes, he could see the numbers.

2917. Mr. Justice Barry.] You mean the numbers on the back?—On the counterfoils.

2918. Dr. Porter.] He could have seen them?—Yes.

2919. When he was objected to, did he move, or make any objection to removing?—He said that Mr. Mills had no call to direct him to leave the place; that he was doing no harm; that if he would conduct the place the way that Mr. Parry was doing, things would get on quiet.

2895. What is the name of the place where they are?—Dramaness.

2896. Mr. Justice Barry.] When you say you regarded the whole affair as a farce upon secret voting, it applied to the conduct of the agents on both sides?—Yes; there was too much confusion, and too many people coming in at the time, and too many people walking about.

[The Witness withdrew.]

2920. Did he leave then, or stay in the same position?—He went back.

2921. Had he been there some time before the objection was made?—Yes; this was in the afterpart of the day, after Mr. Hurst left.

2922. Did Captain Alexander say anything about that?—No.

Cross-examined by Mr. Monroe.

2923. Did you see Mr. Hurst there himself; was he there all the time?—No, he was not; he left before Colonel Forde left.

2924. But he was there a considerable time?—He was.

2925. Did you see him accompany any voters from the door up to the place where they were getting their tickets?—I do not believe he did.

2926. Who was it that was doing that on the Liberal side?—Mr. John Perry walked about.

2927. With the voter, as he was going up to the box?—If he knew a man coming in, he might meet him about the door.

2928. When you say that he might do it, do you mean he did it?—Yes, he would.

2929. When you say he would, do you mean he did?—Yes.

2930. He would see a man at the door, and walk up with him, and bring him up by the arm?—No; I do not say he would bring him up by the arm.

2931. He walked alongside of him to show him the way?—To show him the table he would get a ticket at.

2932. He could not find the table without Mr. Perry's assistance?—I suppose he might.

2933. Mr. Perry was a persuasion agent there?—Yes.

2934. Did you hear Mr. Hurst speak at all?—Yes.

2935. Rather loudly and angrily?—He said Colonel Forde had no right to stay where he was.

2936. He was rather impudent, was not he?—I do not know that.

2937. Will not you say that he was rather impudent?—No; I think he was courteous.

2938. Did you hear him say, if he conducted himself like a gentleman, as Mr. Perry was doing, things would go on more quietly?—No.

2939. Who said that?—Colonel Forde said that to Mr. Mills.

2940. Who was Mills?—He was one of the clerks in the office.

2941. In what office?—At Seafords.

2942. One of the clerks in the Seafords office? The polling place.

2943. Who is he?—He belongs to Belfast.

2944. What is he?—I cannot tell what he is, whether an attorney or not.

2945. Perhaps he is an assistant to an attorney?—That may be so.

2946. That

2946. That is what we call a clerk; perhaps he was teaching manners to the colonel?—He said he would not allow him to stand looking on to the counterfoil.

2947. I suppose he saw the colonel look at the counterfoils?—I saw him standing; I do not know whether he looked at them; he stood so that he could see them.

2948. May he have took this down on his register, he took down the numbers; I am sure he saw him taking down the number?—You say so.

2949. What do you say?—I did not see him taking down the numbers.

2950. You saw him making a mental note of them as he went along?—He might take it from memory.

2951. So that he might have his eye upon that fellow and ascertain afterwards how he voted?—I do not know that.

2952. How long were you there yourself?—From the commencement to the end.

2953. Did you show any persons the way from the door to the table?—No.

2954. Were you sitting all the time?—Yes.

2955. How close were you to the presiding officer?—He was on my right-hand side, one of them, and the other on the left.

2956. Then you were close to him?—Yes.

2957. How far were you from where the ballot papers were given out; as far as I am from you?—About that.

[The Witness withdrew.]

GEORGE BRUSH, sworn; Examined by Mr. Murphy.

2958. WERE you in any of the polling-places at the late election for the county during the day of the polling?—Yes.

2959. At what place?—At Rushfield.

2960. Are you agent to an estate there?—Yes, Mr. Meade's estate.

2961. Is that a large estate?—Yes.

2962. About how many voters are there on it?—I cannot say exactly, but over 300; 370, I think.

2963. Had you been on the committee prior to the election?—Which committee?

2964. The committee of Lord Hill and Lord Castlerough?—I was in one of the committee-rooms. There was very little committee, if any; whatever there was, I was of course on it.

2965. Were not you the chief director of affairs about the election for those gentlemen of that district?—Yes, I took the leading part, certainly.

2966. You took a leading part in directing it?—Yes.

2967. I believe your nephew, Mr. Usher, assists you in the management of the agency?—He does.

2968. He also took an active part with you in the affairs of the election prior to the polling?—He did.

2969. During the time you were there, did you know of any copies of a newspaper having an article about the Ballot Act, and the secrecy of it, sent down to the district from Belfast?—I rather think there were, but I am not perfectly sure.

2970. Were they sent down for distribution there?—Not that I am aware of. Some papers did come, I believe, with that thing in it. I merely looked at the papers, and when I saw what it was I put them into my own bedroom, and there they remained.

2971. But not all, did you?—Every one of them; every single one of them.

2972. To prevent their being spread amongst the people?—No; in fact they came so late that it was impossible to spread them; they came from some newspaper office.

2973. What time did they come that they were too late to be served out?—The thing made very little impression upon my memory, but I believe it was the evening before the election.

2974. Mr. Justice Barry.] By the election, do you mean the polling-day?—Yes, the polling-day. I cannot remember exactly when they came.

2975. Mr. Murphy.] They came, in fact, too late for distribution?—No, not so. If we wished

to distribute them, we could have done so, and we distributed other papers that came in later.

2976. You refrained from distributing those papers?—Yes.

2977. Seeing the articles in them?—Yes, I did not see any use in distributing them.

2978. You say you distributed other papers that came in later that evening?—Yes, quite as late.

2979. Was it to you that the parcel came?—I rather think it was, but I am not certain. Parcels came to me and to Mr. Usher, both; I am not sure whether it came to me, or not.

2980. How many came in the parcel to you?—I really could not tell; it was a largish parcel, about this size (describing).

2981. It might have contained a couple of hundred papers?—I do not think so many; but the truth is, I cannot tell. I only looked it over and shut it up again, and never looked at them afterwards.

2982. You looked it over in order to see the article in it?—No, I did not know what it was when it came; I looked to see what it was to see if it was anything that I thought necessary to distribute, and then I should do so.

2983. Did no note accompany it?—Not the slightest, that I recollect.

2984. You do not know that papers came to Mr. Usher?—I am sure they would not.

2985. Where did you receive them; was it at your own house, or at the committee-rooms?—It was at what we had for the committee-rooms.

2986. At the place that you had for the committee-rooms?—Yes, but it is my own house, and my own office. It is not where I reside.

2987. About what hour in the evening preceding the election did they come to you?—I cannot say accurately, nor am I certain that it was the evening before; but my impression is that it was.

2988. With the papers was there any slip enclosed, do you recollect?—Nothing that I saw; the fact is, I never opened them.

2989. Was there any slip enclosed; you said you opened one and saw the article, and put it aside?—I opened the one paper to see what they contained.

2990. Did you see the article about the secrecy of the ballot?—I saw something about it, but did not read it; that is my recollection.

2991. What date was the paper you looked at which you saw the article in; what date had it on it?—I cannot say.

2992. What

H. Coolran.  
21 June  
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G. Brush.

G. Brunt.  
— at June  
1886.

2992. What became of it?—They laid in my bedroom a considerable time, and inconvenienced me very much, those and a large quantity of other papers; there were an immense quantity of other papers, posters and copies of addresses, and so on, bundled together. You ask me what I did with them. I gave them to a man to get rid of them.

2993. When?—I suppose about 10 days or more ago.

2994. You read the heading of the article, did you not?—I saw something about "Is the ballot secret?" I merely put it into its place again and never touched it afterwards.

2995. And the paper containing that article "Is the ballot secret?" must have come to you either the night before or very shortly before the election, did not it?—It came to me, I think, very likely the night before, but I am not certain.

2996. In the parcel, as you say, about the size you mentioned?—Yes.

2997. You say other papers came about the same time that you did distribute; did you look at the paper in order to see what it contained, if it was sent to you to show that it was sent for distribution?—I looked at every paper that came.

2998. To see what it contained?—Yes.

2999. You saw in that paper nothing that called for distribution, excepting that article, and therefore you did not send it out?—I did not.

3000. Because you saw nothing save that article?—Yes.

3001. In what capacity did you act in the booth on the day of the polling?—I acted as personation agent.

3002. Did your nephew, Mr. Usher, act in the same capacity?—Yes, he had an appointment; he was very little in the booth.

3003. Did anyone ask you to act as personation agent?—No.

3004. Did anyone ask Mr. Usher to act, as far as you know?—Yes.

3005. Who asked him; did you?—I asked him.

3006. I suppose before that day, and before that paper came; you had seen the articles in some of the papers about the secrecy of the ballot, about Mr. Finnegan having discovered that it was not secret?—I had seen a discussion going on in the papers for a long time; some of the articles I read, and some I did not; it was a thing I did not want to go into. I saw the discussion going on in the newspapers upon the question, but I took very little interest in it; some of the papers I read, and some I did not.

3007. You saw a discussion going on?—Yes, I saw a discussion.

3008. You saw that that paper, that you mentioned, had this article about the ballot headed, "The ballot system; is it secret"?—Yes, that is my impression.

3009. And you, looking at the paper, saw that it contained only that article at the county election?—I did not say at the county election, but I saw that article.

3010. Was it because it contained that article that you abstained from distributing it?—No, it was because I did not think it was worth distributing. There were other papers that I did not distribute which were sent to me as well.

3011. On the same day?—I think on the same day.

3012. As to those which you did distribute, how were they distributed; were they sent out by canvassers, or were they sent by post?—No, the papers that I sent out were sent specially to me, to be sent out from the office in Belfast.

3013. How were they sent out?—By private hands; we had no other way of doing it.

3014. Was there more than one person to distribute them?—A great number of persons; but they were persons hired for that particular purpose.

3015. Are you quite sure that the papers containing that article did not come in prior to the election?—I am not sure, but my impression is, that they did not; the impression upon my mind is, that they came so shortly before the election, that if I wished I had plenty of time, because I distributed other papers sent direct from the head office, stated to be important papers; I distributed those.

3016. What were they?—They were some letters or addresses from the tenantry on the Castlereagh and Downshire estates, expressing confidence in the management of those estates on behalf of a few families, whose friends were candidates for the county.

3017. Were they stated to be important in any letter or note accompanying the parcel?—As far as I recollect, they were.

3018. Did they come in the same day with this paper containing the article, "The ballot system, is it secret"?—I think they did; but they did not come by the same conveyance.

3019. Have you the note that came with the other papers, stating them to be important?—I have not.

3020. Strive and search your memory, and see whether you can state that no papers containing this article had been sent to you prior to this day?—Not a single one that I have the slightest recollection of.

3021. None whatever?—None whatever.

3022. The paper containing the article was published long before that?—Yes, I know that. I saw the things going through the paper that I subscribed for, but no paper was sent that I have any recollection of except this one.

3023. Containing that article?—Or any article upon the subject.

3024. The paper that we have seen is that 2,000 copies were ordered?—I do not know how many copies were ordered.

3025. Who were present with you when the papers came that day, Mr. Usher alone; or other members of the committee?—Mr. Usher alone, as far as I remember.

3026. Did he see the papers or look at them, as far as you recollect?—I do not know; he is here to answer for himself; I presume he did.

3027. You were with him when he came?—I presume he did, but I cannot undertake to say, but I think he did.

3028. Had you any conversation with Mr. Usher about sending them out, or not?—Yes, I think we consulted whether we would send them out, and we came to the conclusion that we would not.

3029. That was after you looked at the papers?—Yes, after I looked at the papers.

3030. The vast majority of the voters of that district are on the Meade Estate?—No. It is the largest district in the county; there are nearly 1,000 voters.

3031. How

3031. How many are there on the Meado Estate?—About 370.

3032. Is that the largest property in the district?—No.

3033. Whose is?—The Downshire is the largest estate.

3034. Who were the other gentlemen in the booth besides yourself and Mr. Usher, at all of the same position as you and Mr. Usher?—There was no one of the same position, exactly.

3035. In the booth?—No.

3036. No one on behalf of Major Crawford acting as agent?—Yes, Mr. Gartland, the attorney.

3037. Where does he reside?—His father has a residence close by in the district.

3038. Does he practice his profession in the district?—He does in the town.

3039. Who was the agent in that district of the Downshire Estate?—Major McClelland.

3040. Who represented him?—It is managed from Hillsborough.

3041. Was any one from the office at Hillsborough there?—No.

3042. Was there any person from Mr. Howe's office there?—Not that I remember.

3043. Did you appoint the canvassing agents in that district?—Yes.

3044. Could you give me their names?—I can. *(The Witness handed in a list to the learned counsel.)*

3045. Are these the persons you appointed?—They are.

3046. How many of them are connected with the Meado Estate, I mean as holders?—None of these.

3047. How many other personation agents were there; did you select the personation agents that day?—Yes.

3048. Is there a list of the personation agents selected by you there?—No.

3049. Who were the personation agents?—There was a Mr. Hugh Hall, of Hilltown, and there was his son, a Mr. Hugh Hall, junior; I am not sure of his christian name; I think that was all.

3050. These two people, yourself, and Mr. Usher?—Yes.

3051. Did you make arrangements for the payment of any of these persons?—Not the slightest; none whatever.

3052. When selecting them I suppose you had interviews with the men themselves, and gave them a particular district?—No, I put down that list from my own knowledge of the district. My object being to put two respectable men in charge of each township, and I did not even ask

their liberty to put their names down, but when the election was coming on I called them together, and they came together, and I explained what I wished, and told them that I wished them to take charge of the canvassing on behalf of Lord Castlemore, and Lord Arthur Hill, two for their own townlands, and they most cheerfully did so.

3053. Was anything said about payment to any of them?—Not the slightest; and a man of that rank of life too would seem to take payment.

3054. Did you tell them that they were not to be paid?—I did not, because I had employed a good many of the same men in the two previous elections, and never paid a farthing; they never asked it, nor expected it.

3055. Had you taken an active part also in the election of 1878?—I had.

Cross-examined by Mr. Kistey.

3056. About how long did you remain in the booth acting as personation agent?—I was in and out of three booths most of the day.

3057. Had you, in point of fact, during the day of the polling, to interfere when cases of attempted personation were made?—Most certainly I did, and that was why I went into the booth.

3058. Mr. Hall and his son came from the Hilltown district?—Yes.

3059. Is that a considerable distance from Rathfriland?—The village of Rathfriland is three miles from Rathfriland.

3060. And they would be familiar with the voters in his own immediate neighbourhood?—Yes, the reason why I asked them to act was, that Hilltown was a sub-district, and I wanted agents who knew the men in it.

3061. You say Mr. Gartland was there for Major Crawford?—Yes.

3062. Is Mr. Gartland's father a large proprietor in the neighbourhood?—Yes.

3063. You say you circulated some papers that came down with the letter from the Downshire and Rathfriland tenants?—Yes.

3064. Was there considerable pressure of business in the Rathfriland district coming on towards the day of the poll?—There was.

3065. I presume it was difficult to send out large parcels of papers coming down two or three times a day?—I almost despaired sending out those I did receive, the papers came so numerously.

[The Witness withdrew.]

ABRAHAM AUGUSTUS USHER, sworn; Examined by Mr. Porter.

3066. You are nephew of Mr. Brush?—Yes.

3067. And assist him in the management of the estate?—Yes.

3068. Do you remember certain parcels of paper coming to the district of Rathfriland for distribution?—Yes, perfectly well.

3069. Do you recollect that paper with the article in it "Is the ballot secret"?—Yes, I do.

3070. Have you any record of when it came?—My opinion of it is that it came the very evening before the polling.

3071. That is to the best of your recollection?—Yes.

280—Sess. 2.

3072. Have you any entry in any book to show the receipt of these parcels?—I have not.

3073. Nor any record of when they came?—No.

3074. Did you read the article?—No, I may have looked at the paper; Mr. Brush opened the papers; I merely glanced at what they were.

3075. Did you see that it did contain that article?—Yes.

3076. Had you seen it before?—Well, I had read the correspondence going on with the paper before, but I did not recognise that it was the same in anyway; I did not read it.

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3077. Was

G. Brush.  
—  
21 June  
1880.

A. A. Usher.

A. A. Usher,  
25 June  
1886.

3077. Was it in the form of a newspaper, or a slip re-printed from the paper?—It struck me there were both.

3078. Both the article and the slip?—Both the paper and the slip; but whether it was in a slip or a paper that I saw a reference to the ballot, I cannot remember.

3079. I suppose you had a good many different glances at slips of paper?—Yes.

3080. Mr. *Brown Fitzgerald*.] Do you read the "Belfast News Letter"?—Yes.

3081. What I understood Mr. Porter to have asked is, whether before this time you had in reading the papers noticed the article at all?—I cannot remember whether it was the same article or not; I have read things referring to the ballot in papers.

3082. Mr. *Porter*.] Do you remember reading that Mr. *Finnegan* was in a position triumphantly to establish his innocence?—No.

3083. A long article headed "Is the ballot secret"?—Yes, I do remember.

3084. Do you recollect seeing it in one of the county papers at the time?—No.

3085. When did you first see it?—About three weeks before the election.

3086. Were there parcels coming nearly every day from that time on?—Yes.

3087. From Lombard-street?—Yes.

3088. And you say you did not read them every one?—Did I read all the papers that came to Rathfriland?

3089. Yes?—No.

3090. Is your recollection that the slip came at the time you mentioned, the night or the day before the polling?—To the best of my recollection, it came before the polling.

3091. Did it come separately, or come with any other papers?—I think they all came together.

3092. In the parcel?—Yes.

3093. What did the slip refer to?—I cannot remember whether the reference to the ballot was in the slip or in the paper.

3094. But it might be in both?—It might be, but I do not know that it was.

3095. You cannot recollect?—No.

3096. Who were the persons who distributed the papers; was it done through the canvassers?—I cannot remember the names.

3097. You know that Mr. *Brush* has given us a list of the canvassers; was it through them that it was done?—Certainly not; they were messengers taken in the town, ordinary boys; we had to get a great number of them in order to distribute the papers properly.

3098. Had they been employed from the commencement, three weeks before the election?—Some of them had.

3099. Did you send any of the papers through the post?—I think some circulars were sent by post.

3100. Do you recollect any discussion with Mr. *Brush* about sending them out on the evening of the election?—On the morning of the day before the election. I believe it was on that morning we found the address of the Londonderry and Downshire tenantry, and there was a card with the number of the vote with directions how to vote, and a cross opposite the name; we folded the address up and tied it to a note containing this ticket showing the voters how to vote, and there were so many of them that we had to distribute them over our extended dis-

trict, that we got all the boys that we could trust to take them out, and then later in the evening, when we saw the newspapers, I said, "How on earth shall we get these papers over the district, because, in the first place, if we do send them out they will not arrive till the middle of the night, and I should think it would do them more harm than good to pull men out of their beds to read a newspaper."

3101. The great pressure was as the polling approached?—Yes.

3102. Had that pressure occurred at any previous stage of the time?—There was a good deal of pressure at the time.

3103. That was the time you consulted Mr. *Brush* about sending them out?—The evening before the polling day was the evening he asked me about the papers, I said, "I do not believe you can send them out."

3104. Was it to you or to Mr. *Brush* that the communications were addressed from the Lombard-street office?—Sometimes one and sometimes the other.

3105. Was Mr. *Finnegan* in correspondence with you?—I think I had two or three letters from him.

3106. Do you happen to have kept the letters?—No; it was about something very trifling.

3107. In reference to that letter and these papers for distribution, did you receive any letter of instructions in reference to them?—Not that I can remember.

3108. Your recollection is that the papers that you were unable to distribute were those coming to you at the time you mentioned?—Yes; the papers to which you refer I got, and they could not distribute them in time.

3109. Those you had previously distributed you had not yourself studied?—I had looked at the Downshire address; the address from the Downshire and Londonderry tenants.

3110. How many copies of the "News Letter" were sent to you for distribution on the different dates?—I cannot at all remember.

3111. Several times parcels of the "News Letter" came?—I cannot tell you whether they were the "News Letter" at all.

3112. They might have been some other paper?—Yes.

3113. They might have been the "Ulster Observer"?—They might have been.

Cross-examined by Mr. *Maddenagh*.

3114. You told my learned friend you recollect the discussion proceeding in the newspapers about this ballot?—Yes.

3115. You saw the "Northern Whig"?—No, I do not think I did.

3116. You saw other papers?—I saw extracts, which I think appeared from the "Northern Whig" in the "News Letter," but I did not read the "Whig" myself; I did not see it.

3117. You saw the extracts which were in the "News Letter"?—To the best of my recollection I did.

3118. And you saw that they were attacking Mr. *Finnegan*, were they not?—Yes.

3119. And this discussion had been going on for some time, long before it was revived by the "Whig"?—You remember a few years ago a similar discussion?—About how many years ago?

3120. About two or three years ago?—At that time I was a good deal absent from home, and I do not remember.

3121. As

3121. As to the addresses which were presented by the Londoners and Downshire tenants in relation to these two young gentlemen, the owners of their respective houses, you were requested to publish those and circulate them as soon as possible?—Yes.

3122. And had special directions so to do?—Yes.

3123. You were in the polling-booth, were you not?—Yes.

3124. There were four personating agents, yourself and Mr. Brush, two, and Mr. Hugh Hall and his son, four?—Yes.

3125. And I believe that your services were required during the day to prevent the personation that was attempted over and over again?—Mr. Brush's services. I was not in the booth at the time.

3126. Did you see how many personation agents were there upon the part of Major Crawford?—Mr. Garthland occupied, I think, the position of personation agent.

3127. He was there?—Yes.

3128. Who else?—And a Mr. Morrow, and a man called Matthew Ochaltree, I think he was there, and a man called Joseph Donnelly.

3129. Was he a personation agent or booth agent?—I do not know.

3130. At all events he was there?—Yes.

3131. Were there others whose names you remember, or do not remember?—I am trying to recollect. I cannot remember them all upon Major Crawford's side.

[The Witness withdrew.]

WILLIAM BENNETT, sworn; Examined by Mr. Shaw.

3132. You are a farmer?—Yes.

3133. And you live in Saintfield?—Yes.

3134. Were you employed as canvasser on behalf of Lord Arthur Hill, and Lord Castlereagh at the last election?—Yes.

3135. And did you act as canvasser?—Yes, for a short time.

3136. How many days did you canvass there?—Two.

3137. Were you out the whole day on each occasion?—Yes.

3138. Who employed you?—Mr. Coulter.

3139. He was conducting agent in Saintfield?—Yes.

3140. For the Conservatives?—Yes.

3141. What arrangement did you make with Mr. Coulter about your services as canvasser?—I made no arrangement; he asked me to go out, and I went out.

3142. Did you canvass in 1878 for him?—I did.

3143. What arrangement was made then about your vote?—Am I bound to answer as to 1878.

Mr. Baron Fitzgerald.] Yes.

3144. Mr. Shaw.] What were you paid for your services in 1878?—I was paid 2*l*.

3145. And when you were employed as a canvasser upon this election you expected to be paid as you were in 1878?—I was not.

3146. Was anything said to you upon the subject?—Nothing of the kind at this election.

3147. Nobody told you that you would be paid?—Nobody.

3148. Yet you were paid at the last election?—Yes.

Cross-examined by Mr. Meade.

W. Bennett.

3149. I suppose you were told at the last election that you would be paid the 2*l*. that you got?—No.

3150. Who gave you the 2*l*?—Dr. Foot.

3151. Was it Dr. Foot that asked you to go out?—It was in 1878.

3152. At the present election did you know that the respectable farmers were canvassing for Lord Hill and Lord Castlereagh?—Yes, I did.

3153. In different districts?—Yes.

3154. They acting gratuitously in doing it?—Yes.

3155. And did you go out like the rest to act gratuitously?—I went out free gratis. I do not know why I got the 2*l*, for I did not ask him, nor he did not say.

3156. In 1878?—In 1878.

3157. No money was promised you, or asked by you?—Not a farthing.

3158. Or expected by you?—Not one farthing.

3159. Were you on the committee yourself this time?—No, I think not.

3160. Were you at any meeting of the committee?—I was.

3161. Did you see Mr. Young at all?—Yes, I saw him there.

3162. Did you hear Mr. Young announce that at this election nothing whatever would be paid for canvassing?—Yes, that if they went out they would not get anything, and if they would not go out free gratis they would stay at home.

[The Witness withdrew.]

WILLIAM CAMPBELL, sworn; Examined by Mr. Murphy.

3163. Are you a farmer?—Yes.

3164. Did you canvass at the last election?—Yes.

3165. Who engaged you to canvass?—Mr. Coulter.

3166. Had you canvassed in 1878?—Yes.

3167. What did you get for canvassing in 1878?—I think it was 2*l*.

3168. Was that the regular sum?—I do not know.

3169. You got as much as any other man?—I cannot say.

260—Sess. 2.

3170. How many days were you canvassing this time?—Three.

3171. Did Mr. Coulter ask you whether you had canvassed at the last election?—I think it was Mr. Falton, two years ago.

3172. Did Mr. Coulter know that you had canvassed in 1878?—Certainly he did.

3173. When did he engage you, at this time; did he come to your house?—Not at all, he sent me a letter.

3174. Have you got the letter that he sent you?—I have not it now.

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3175. What

W. Campbell

W. Campbell. 3175. What did you do with it?—I could not say.

12 Jan. 1880. 3176. Do you recollect what was in it?—I do not; it was an invitation to the committee of Sandfield to support the Conservative cause.

3177. To come in?—Yes, he appointed an evening for us to go in.

3178. For "us" to go in?—For me.

3179. Perhaps there were some others who went in?—Yes, there were.

3180. Mr. Baron Fitzgerald.] What I understood was, that it was a party of you went in?—Yes.

3181. Mr. Murphy.] Did any others go in with you from that district?—Yes.

3182. Who?—There were two brothers.

3183. Your two brothers?—Yes.

3184. Were they voters?—Certainly they were.

3185. Had they canvassed in 1878 also?—Yes, both.

3186. And they got 21?—I am not sure what they got.

3187. Do not you hear from them?—I cannot say that; I cannot be accountable for what other people got.

3188. You are not asked to be accountable for the distribution of the 21; it was all right, but do not you know that they got 21 for the last election?—I will not take it upon myself.

3189. It is not taking anything upon yourself, but do not you know from them that they got the same as you got?—They are present and they will tell you themselves.

3190. Did they tell you before this?—I will not say whether they did or not. I do not know what they got; they did not see what I got, and I did not see what they got.

3191. Because you did not get it together?—No.

3192. Who paid it you the last time?—It was Dr. Fulton, two years ago.

3193. Where did he pay you?—In Mr. Coulter's.

3194. At Mr. Coulter's office?—Yes.

3195. He paid it you in Mr. Coulter's office?—Yes.

3196. The brothers were not there the day that you were paid?—One of them was there.

3197. One of them was there at the time?—Yes.

3198. Was he in the office the same time as you?—He was not.

3199. Did you go in before him?—I am not sure whether he went in first or we went in first.

3200. The two were there together?—No, I was there that once.

3201. One at a time was the way you were paid?—Yes.

3202. Nobody else was present when you were paid?—Yes, Mr. Finnegan was present.

3203. How soon after the election were you paid the last time?—I do not remember.

3204. You cannot say; you do not remember it?—I do not remember.

3205. Was not it the most important thing connected with the election, getting the 21?—I do not remember how long it was.

3206. And you had voted at the last election?—Certainly.

3207. According to your principles and the 21?—It was not for the 21 I voted.

3208. The brothers went in with you that day?—Yes.

3209. Did you tell the brothers you got 21?—I do not remember.

3210. Did the brothers tell you whether they got 21?—I do not remember.

3211. Were you told not to tell anybody that you got it?—I was not.

3212. Perhaps the brothers, when you were called in, were in the outer office?—I cannot say.

3213. Did not you both come there together?—We did.

3214. Did not you both go to the office together?—Certainly; but I am not sure whether he was in the office or out in the street at the same time.

3215. What did Mr. Coulter say this time?—He asked me to canvass the different townlands.

3216. Just as you did before?—Yes; one was the same, and the other was not. I had two townlands.

3217. Did the brothers go in with you this time, when you were engaged to canvass?—They did.

3218. The two?—Yes.

3219. Were you present when he gave them their directions too?—Certainly.

3220. Nothing was said by him about payment?—Nothing that I heard about it; nothing of the sort was mentioned to me.

3221. And nothing of the sort had been mentioned before, when Dr. Fulton engaged you?—Not that I heard of it.

3222. But the 21 came afterwards?—Not at this election.

3223. No, not at this; but it came before the 1878 election; nothing was mentioned when he was engaging you?—Nothing of the sort.

3224. You had canvassed in 1874?—

Mr. Meadeagh inquired whether it was necessary to go into matters which occurred in 1874.

3225. Mr. Justice Barry.] You cannot show continuous practices; I understand that is the object?—I did not canvass then.

3226. Mr. Murphy.] Are the brothers older than you; did they canvass?—At what election?

3227. Are they older than you?—Certainly they are.

3228. I believe you were not a voter at all in 1874?—I do not think I was.

3229. You were not qualified?—No.

3230. And you voted in 1878?—Certainly.

3231. And you voted this time?—Yes.

3232. Were the two brothers voters this time?—Yes.

3233. What are your brothers' Christian names?—James and Hugh.

Cross-examined by Mr. Maure.

3234. You say you came in and you saw Mr. Young?—Mr. Young was there.

3235. You had been paid in 1878 the 21?—Yes, I think it was 21.

3236. Did you expend any money in that year, 1878, in canvassing?—Not a halfpenny, barring my own pleasure.

3237. Did you know before the election that you were not to be paid anything for this election?—It never was mentioned; there never was money mentioned that I heard of.

3238. Did you know of the direction Mr. Young had given; did you hear him say that nobody



nobody was to be paid at this election?—I think he was never asked.

3239. Did you see Mr. Young at all yourself?—Certainly.

3240. How often?—I have seen him about twice, I think.

3241. Did not you tell me that Mr. Young had given directions that nobody on this election was to be paid for canvassing?—I did not hear that mentioned at all. I did not hear him mention money by any means.

3242. You were not promised money?—Not one halfpenny.

3243. You did not expect any?—I got nothing, and nobody never mentioned money that I heard of.

3244. Mr. Justice *Berry*.] Was there any mention of money in 1878?—Not one halfpenny.

3245. Did you expect any money in 1878 until you got the 21?—Not a halfpenny.

3246. Mr. *Monroe*.] Was there any dispute in the district about the expenditure in 1878?—I think there was by some parties. Some parties expected money.

Re-examined by Mr. *Murphy*.

3247. Some parties supposed they did not get enough?—Yes, I believe they did.

3248. They were grumbling at the amount they got?—I believe they did.

[The Witness withdrew.]

JAMES CAMPBELL, sworn; Examined by Mr. *Porter*.

3249. WERE you engaged canvassing at the last election of 1880?—Yes.

3250. What townlands had you charge of at this last election of 1880?—Just one.

3251. What townland?—Barnamaghery.

3252. Who gave you the instructions where you were to go to canvass?—The committee.

3253. Who was it employed you?—There was no person employed me but the committee. I was on the committee myself.

3254. Did you canvass?—Yes, certainly I did.

3255. Went round from house to house and saw the voters?—I saw some of them.

3256. Did you speak to them about their votes?—Yes, I did.

3257. Had you charge of any papers to give them?—Yes, some private letters.

3258. From whom?—From the committee.

3259. How many days were you occupied in that?—Well, I was a good many days.

3260. Were you longer than your brother William, who was last examined?—Yes, I think I was.

3261. Were you canvassing in 1878?—Yes, I was.

3262. Was that the same townland?—No.

3263. Had you a different townland that time?—A different townland.

3264. What were you paid in 1878?—I was paid nothing for canvassing.

3265. What were you paid in 1878?—I cannot say I was paid anything at all for canvassing.

3266. We will go upon the canvassing by and bye. What were you paid in 1878 by Dr. Fulton?—I think it was 21.

3267. Was it Dr. Fulton paid you that?—I do not remember.

3268. Now you do; let me tell you you remember who paid you the 21?—Well, it was not Dr. Fulton.

3269. It was not?—No.

3270. Who was it?—I am not sure whether it was Coulter or not.

3271. Was it in Coulter's office?—No; it was in Coulter's room.

3272. Was Mr. Finnegan there?—He was.

3273. Was Dr. Fulton present?—No, he was not there when I was there.

3274. Did you walk in along with your brother?—No, I did not.

3275. Have you another brother as well?—Yes.

3276. Did he and you go together?—No.

3277. Not to get the money?—No, we none of us went in together.

3280.—*Sess. 2.*

3278. You all went in separately?—Yes.

3279. You said the 21 was not for canvassing, tell me what it was for?—I do not know what it was for.

3280. Had you done anything at the election?—If a man gets a present he does not know what it is.

3281. To be sure, a present! How many days were you canvassing in 1878?—I was canvassing, five or six days.

3282. Two pounds was not very much for that?—It was plenty for while I was out.

3283. Were you one of those who objected about not getting enough?—I never grumbled about anything.

3284. Who sent for you to go in and get the present?—I was not sent there that evening.

3285. Who sent for you to go to Mr. Coulter's to get the money?—I think it was Mr. McIlveen told me to go.

3286. You went?—Yes, I went.

3287. Was that the same evening that your brother Hugh went for his?—Yes.

3288. Was it the same evening that your brother William went for his money?—Yes.

3289. Do you swear to their Lordships that that 21 was a mere present?—I believe it was.

3290. A mere present?—Yes.

3291. For what?—For looking after the election.

3292. Had you voted in 1878?—Yes.

3293. You voted in 1880 too, in the present year?—Yes.

3294. Who was it engaged you or told you to canvass in 1878?—Oh, it was the committee likewise.

3295. Was there nothing said about money in 1878?—Not one word.

3296.—Are you sure?—Yes.

3297. Perfectly certain?—Perfectly certain.

3298. Were the names given to you to go and canvass?—A list of the townlands was given to me.

3299. You will swear you were not told you would be paid?—I will swear I was never told I was to get a farthing, or anything said.

3300. You got 21, for work about the election?—Yes, I got it as a present.

3301. You were not told this last year?—I was not.

3302. No more than you were the year before?—No.

3303. Not a word about money at all?—Not a word about money at all.

L 4

3304. Not

W. Campbell  
21 June  
1879.

J. Campbell

*J. Campbell.*  
21 June  
1880.

3304. Not about whether you were to be paid?  
—Mr. Young told us we were not to be paid at all.

3305. When did he tell you that?—In the committee. No person paid.

3306. No person to be paid until when?—No person to be paid at all.

3307. Good, had, or indifferent?—No one, I suppose, except paid agents.

3308. Was your brother William there?—I believe he was not; I cannot be certain.

3309. That seems to be important; there were to be no presents?—I think not.

3310. Was Hugh there?—I do not think he was.

3311. You did not tell Hugh there were to be no presents, then. It would not be for their votes they were paid?—No, I did not care about it.

3312. You would talk about it?—There was some talk about it, nothing important.

3313. Did you send in a report for your canvassing in 1878?—I did, the names of the townlands.

3314. Did you send in how many days you were canvassing?—I did.

3315. How many days did you report you had been canvassing?—I think it was eight, if I be sure.

3316. Of this present year?—Not of this present year.

3317. Of this present year did you send in your canvassing of the townland of the voters you had been with?—Yes, I returned the voters' list.

3318. How many days were you?—I was not out some days all day.

Cross-examined by Mr. Kibbey.

3319. You were present at the meeting of the committee?—Yes.

3320. You were a member of the committee yourself?—Yes.

3321. Did Mr. Young say why the people who had canvassed would not be paid this year?—He said there was nothing for it at all.

3322. You heard him say?—I heard him say there was nothing for it at all.

3323. You did not hear him give any reason for it at all?—No, I did not.

3324. Were there persons present at the committee when he said that?—I think 15 or 16, there may be more or less.

3325. Was it after that you got the townland list?—It was that same evening, I think.

3326. When you got the townland list?—Yes.

3327. You undertook the duty gratuitously?—Yes.

3328. Mr. Justice Barry.] When you went, in 1878, with your two brothers, to get the money, did any other canvassers go at the same time who got presents?—Not from my side; there were none there, only my two brothers.

3329. Did you mention to your brothers how much you got?—Not that evening.

3330. Did you see them after you got out of the office where you were paid?—I certainly did.

3331. You did not mention the sum you got?—No, I did not.

3332. Nor did they tell you the sum they got?—They did not.

3333. You went home together?—We did.

3334. You said nothing about it?—We said nothing about it at all.

Further cross-examined by Mr. Porter.

3335. Was the man you mention McIlveen?—Yes.

3336. Who was he?—The public-house man.

3337. Was he working during the election?—In 1878.

3338. In 1878?—He had care working.

3339. That is for the Conservative candidates?—I think he ran for both parties in 1878; there were some parties on the opposite side got one or two cars from him.

3340. What did he tell you to go there for?—He said there was a meeting at Mr. Coulter's that evening.

3341. A meeting of whom?—Of the committee.

3342. You were to go?—He said that.

3343. Were you not on the committee yourself?—I was.

3344. You were to go to a meeting of the committee?—He said there was a meeting of the committee that evening.

3345. Did he tell you you would get a present if you went?—He did not; he did not say that.

3346. You went separately on that account?—Yes.

3347. You were all three brothers on the committee?—Yes.

3348. You went separately?—Yes.

3349. You went one by one?—Yes.

3350. And came out one by one?—Yes.

Further cross-examined by Mr. Kibbey.

3351. Was your brother William on the committee in 1878?—He was.

3352. He was not this year, he has told us?—Only one evening; he was not a member of the committee, I think.

[The Witness withdrew.]

HUGH CAMPBELL, sworn; Examined by Mr. Murphy.

*H. Campbell.* 3353. Do you recollect the day you went with your brothers, William and James, to Mr. Coulter's office after the 1878 election?—I do not, for I did not go at all.

3354. You were not there?—No; I was not.

3355. You were not at the office at all?—Yes; he was there, but I was not there.

3356. Where were you that day?—I was about home.

3357. Did you go in afterwards to the office?—I did not go at all.

3358. You did not get 2 l.?—There was 2 l. sent me.

3359. It came to you?—Yes.

3360. Through whom?—I do not know who.

3361. You do not know the man who brought it; it was not your brother William; you would know him?—Yes.

3362. Was it not he?—Well, I believe it was some one, but I do not know who.

3363. The 2 l. does not come without some one bringing

bringing it; was it the Brother Bill who brought it?—I think not.

3364. Was it the Brother James?—I am not sure; it is a good while ago; I forget about it.

3365. Are you not sure that it was not either of your brothers brought them?—I think it was some one of them. I think it was James; but I am not sure.

3366. Did he say who gave it to him for you?—He left 2 l. in my house. I could not tell you who gave it to him, or a halfpennyworth about it.

3367. You did not care where it came from, or what it was for?—He might tell me at the time, but I forget.

3368. That is a remarkable thing; 2 l. is left in your house; it was after the election?—Certainly it was.

3369. Soon after it?—It might be a month or so, or not; I am not positive sure about it.

3370. With whom was the 2 l. left in the house?—There was 2 l. left in the house.

3371. Was it with you it was left; it was not thrown down on the kitchen floor, I suppose?—Well, I am not certain where it was left; there were 2 l. left in the house.

3372. How did it come into your house?—Of course there cannot be much money lying about in the house but what I will find it.

3373. Was it lying about the house; where did you find it when you came home?—I am not certain about it.

3374. Only you are certain you got it?—Well, I expect so.

3375. It was the same as the others got?—Two pounds.

3376. That was the sum?—Yes.

3377. Did you ever ask the person who left it what it was for?—Well, I might at the time; but I am not sure anything about it.

3378. Did you know yourself what it was for right well?—Well, I expected where it came from.

3379. And what it was for; for services at the election?—I did not do much at the election.

3380. I imagine you had a vote; you gave the vote?—I did.

3381. You did a little service?—Not much.

3382. I take it 2 l. would pay for the service?—I canvassed a townland or two.

3383. Walked part of the day?—Yes.

3384. You were not paid 2 l. for perambulating a townland before?—Yes, I was.

3385. Was it the 1878 election?—No; it was levying county cess.

3386. That was where you were paid 2 l.?—Yes.

3387. How many days were you out in 1878; half a day, I suppose, would have done it?—I do not recollect exactly; I suppose two or three.

3388. You kept no account of it?—I did not.

3389. Very little would have paid for all the services you made?—Very little.

3390. You thought it liberal payment?—Yes.

3391. You thought it very liberal payment; who engaged you to canvass this time?—It was the committee.

3392. Who of the committee?—I think it was Mr. Young was there.

3393. What was said to you?—I was asked for to canvass a townland or two.

3394. Was there nothing said about the money?—Not a halfpennyworth.

3395. As to whether you would or would not be paid?—It never was asked.

3400.—Sess. 2.

3396. Were James or William with you the day you were there?—I believe they were both there.

3397. The day that you were engaged?—Yes.

3398. There was not a word mentioned at all about payment?—Not a word.

3399. Good or bad?—Good or bad.

3400. Whether you would or you would not?—No.

3401. Was Dr. Fulton there that day?—I do not believe he was; he might be; I do not recollect.

3402. Did James and William go in with you to the committee the day you were engaged to canvass?—I do not recollect.

3403. I thought you said you three were together?—They might be in the room; I do not recollect.

3404. You went to canvass after that?—Yes.

3405. Did you canvass much?—I canvassed a townland or two.

3406. Just the very same as you did before?—Just the same.

3407. Not much more or much less?—Not much more or much less.

3408. And you voted?—Yes.

Cross-examined by Mr. Macdonagh.

3409. Were you a member of the committee on this occasion in 1880?—Yes.

3410. On your oath, did not you hear Mr. Young say that, on the present occasion, there would be no payments made to anybody?—Yes, I heard him say there would be no person paid.

3411. Did not he announce to the persons who were being employed as canvassers on this occasion?—Yes, he did, distinctly.

3412. You heard that statement?—Yes.

3413. And, after having heard that statement, did you canvass, as you say, a townland or two?—Yes, I did.

3414. Did you agree, when you heard Mr. Young say that, to do this work without payment?—Yes, I thought it an honour to get leave to do it.

3415. Is it not the fact that you have no claim for this election for any such canvassing?—I believe I have no claim.

3416. Do you intend to make it for canvassing when you were told you were not to be paid?—No, I do not intend to make any claim, for I do not expect any.

3417. After having heard that from Mr. Young?—Yes.

3418. What position did Mr. Young fill?—I believe he was conducting agent for the district; I am not just sure.

3419. On this occasion?—Yes.

3420. I am not quite clear what you said to my learned friend, whether Dr. Fulton was there on this occasion in 1880, or not at all?—I do not remember; I think he was in the office some number of times.

3421. But you do not remember?—I do not remember now.

Re-examined by Mr. Murphy.

3422. When do you say Mr. Young made this announcement which you told me before was not made; when was it Mr. Young made the announcement, that there would not be any payment this time?—When the committee was assembled in one of the rooms.

3423. What time?—I cannot exactly say what time; I do not carry a watch.

M

3424. Did

H. Campbell.  
21 June  
1880.

*H. Campbell.*  
—  
23 June  
1886.

3434. Did not you tell me, when you were engaged to canvass, there was not a word as to whether you would be paid or would not be paid?  
—There was no talk about payment.  
3435. No word about being paid, or not about being paid?—Not a word about being paid.  
3436. Or not being paid?—Not a word.  
3437. Was it after that you heard Mr. Young make that announcement?—I think it was before that.  
3438. When was it?—I think about the second evening we met.

SAMUEL DALZIELL, sworn; Examined by Mr. Porter.

*S. Dalton.*  
—

3433. Where do you live?—Linstead.  
3434. Whereabouts is that?—That is within three miles of Saintfield.  
3435. Were you canvassing this last election?  
—Yes.  
3436. On behalf of Hill and Castleburgh?  
—Yes.  
3437. What townlands did you canvass?—Linstead and Tullywest.  
3438. Had you a list of the voters' names?  
—Yes.  
3439. A printed list?—Yes.  
3440. Who gave you that?—It was Mr. Coulter.  
3441. Who else?—Mr. Coulter's son told me.  
3442. Was Dr. Fulton there?—I do not know whether he was; I had nothing to do with him.  
3443. How many days were you canvassing this time?—About four or five; I cannot say exactly.  
3444. Did you canvass in 1878?—Yes.  
3445. Was it the same townlands that time?  
—Yes.  
3446. How many days were you canvassing then?—I could not say.  
3447. About the same time, I suppose, it would take you to go over the same ground?—I suppose so.  
3448. What did you get in 1878?—I got 2*l*.  
3449. Who gave you 2*l*?—It was Dr. Fulton.  
3450. Where?—It was in his own house.  
3451. Was there a room of Mr. Coulter's there?—Not to my knowledge.  
3452. Was anybody else present when he paid you?—There was another man.  
3453. Who was he?—Samuel Brownlee.  
3454. Had he been canvassing as well?—He had.  
3455. Did he get 2*l*. also?—He did.  
3456. Did Dr. Fulton give you employment last time?—No.  
3457. Nobody but Mr. Coulter?—Nobody at all but him.  
3458. What did he tell you when he engaged you?—He did not engage me at all. I was not there a night or two, the first of it; I got a letter when I went in.  
3459. To Mr. Coulter?—Yes; into the committee room.  
3460. Have you got the letter?—No.  
3461. Is it here?—No.  
3462. When did you see it last?—It was thrown by at the time.

3459. Was your brother William there all that time?—I think he was.  
3460. And James?—Yes.  
3461. You are quite positive of that?—Yes.  
3462. Mr. Justice Barry.] How long after the election of 1878 was it you got this 2*l*. left at your house?—It might be a month or so; it might be six weeks; I am not positive sure about it.

[The Witness withdrew.

3463. What did Mr. Coulter tell you to do?—He told us to go out and canvass.  
3464. Who was "us"?—It was Samuel Brownlee and me.  
3465. That is the same man that had been with you when you were paid in 1878?—Yes.  
3466. Did he say you were to get money?—He did not.  
3467. Did he not say you were not to get money?—He did not. I did not hear any money named.  
3468. Nothing said about it by the committee, one way or the other?—Nothing at all.  
3469. Are you sure, when you went to canvass, you did not go from what they said, one way or the other, whether you were to get money?—I believe I heard no money named. I expected no money, and I have not got any, and I do not expect any.  
3470. You have not got any money, that is quite clear?—Nothing about it.  
3471. Nothing was said to you about it?—No.  
3472. By anybody?—By anybody, or any means.  
3473. I believe you voted at the election?—Yes; I did.

Cross-examined by Mr. Mease.

3474. You knew there was no money got for canvassing at this election?—I do not know anything about it.  
3475. You expect no money?—I got no money, I expect no money, and I never heard it named.  
3476. Mr. Justice Barry.] How long after the election of 1878 was it you got the 2*l*?—Some five or six weeks, to the best of my knowledge.  
3477. You were not expecting any money at that time?—No, I was not.  
3478. Who was it asked you to canvass in 1878; was it Mr. Coulter?—I cannot exactly say whether it was Mr. Coulter or Mr. Fulton.  
3479. Mr. Coulter was the agent in 1878 there?  
—Yes.  
3480. He knew you were canvassing in 1878?  
—Yes; he did.  
3481. Was he present when you got the 2*l*?  
—Mr. Coulter?  
3482. Yes?—He was not.

[The Witness withdrew.

ROBERT GIBSON, sworn; Examined by Mr. Murphy.

3483. WHERE do you live, Gibson?—I live in Tullywest, two miles out of Saintfield.

3484. Are you a voter?—Yes.

3485. Do you recollect canvassing in 1878?—Yes.

3486. Who were you canvassing with in 1878?—My comrade, William Bennett.

3487. What townlands did you canvass together?—We canvassed, in 1878, Tullywest and Ballymacnarmery.

3488. You both went together canvassing?—Yes.

3489. Who engaged you to canvass in 1878?—It was Dr. Fulton.

3490. And Mr. Coulter?—And Mr. Coulter.

3491. Where was it; in Dr. Fulton's house or Mr. Coulter's office you were engaged?—It was in the "Head Inn," in Saintfield.

3492. Where the committee was?—Yes.

3493. Was it there you were engaged this time to canvass?—Yes.

3494. Was Bennett your companion this time?—Yes.

3495. Did you canvass the same townlands?—Only Ballymacnarmery.

3496. Only one of the townlands?—Only one of the townlands.

3497. Was it Dr. Fulton and Mr. Coulter asked you this time?—It was Mr. Coulter.

3498. Did he say anything to you at all about payment this time?—He did not.

3499. Nothing, good, bad or indifferent?—Nothing of the sort.

3500. Whether you would or would not be paid?—No.

3501. No one said anything about payment to you?—Not a man.

3502. About whether you would or would not?—No; I never was asked.

3503. It was not asked?—No.

3504. There was nothing said to you the last time about payment?—No.

3505. Soon after the last election, did you get a present; in 1878, I mean?—Well it might be two or three months, or it might be more than that.

3506. You were later than the others?—Yes.

3507. What did you get?—I never got anything; I never was there, and never asked after it.

3508. How did you get it?—It was sent to me; I never was there on the night of the meeting.

3509. Who brought it to you; perhaps it was Bennett?—It was William Bennett.

3510. The brother canvasser?—Yes.

3511. He gave you the same as he got himself?—Yes.

3512. From Mr. Coulter, he said he got it?—I could not say, I am sure.

3513. Did he tell you who gave it to him for you?—I never asked him.

3514. Did he tell you he got it himself?—He never gave it to me, he sent it by his own son to me.

3515. Where did his son say he got it?—He said his dodda sent that to me.

3516. Did you ever ask William Bennett who it came from?—I did not ask.

280—Sess. 2.

3517. Because you knew well who had given it?—I did not know who gave it to me.

3518. You did not?—I could not know.

3519. When you got it sent by the boy from his dodda, did you think it was money he owed you?—I did not.

3520. Did you think it was money left you in legacy in a will?—I did not.

3521. Where did you think it came from?—I knew it came from that place.

3522. You knew it came from that place?—Yes; he told me he had got it as a present sent to him.

3523. William Bennett told you he had got it as a present sent to him?—Yes.

3524. Did he tell you it was sent to him?—It was sent to me.

3525. He told you it was sent as a present to give to you?—Yes.

3526. Did you ask him who gave him the present for you?—I do not remember that I did.

3527. You knew well where it came from?—I could not say; I could not swear that.

3528. Come, sir, do not be trifling here with us; do you mean to say you did not ask or you did not know through whom it came?—He gave it to me, and said it was sent as a complement.

3529. By whom?—By him.

3530. Mr. Coulter?—Yes, Mr. Coulter.

3531. You voted in 1878?—Yes.

3532. Had you done much work for them in 1878 in canvassing?—We had done two townlands.

3533. In your own neighbourhood?—Yes.

3534. It was not much; you did not count much the work that you did?—No.

3535. You did not mind any payment for it, or think of it at all?—I never asked payment.

3536. But you got it?—I did not expect it.

3537. About a couple of months after the 1878 election William Bennett sent it to you?—Yes; I could not say exactly what time it was.

3538. There was not a word said about payment this time?—No.

3539. Not a word, good, bad or indifferent?—No.

Cross-examined by Mr. Kiley.

3540. Were you in at the committee at all before the day you got the canvassing list; this time you got the canvassing list?—Yes.

3541. Had you been in before that at all?—That night I got the canvassing list.

3542. Were you at the committee-room?—Yes, I was in the committee-room.

3543. Do you remember seeing Mr. Young in the committee-room?—I do.

3544. Did you hear Mr. Young make any statement about the canvassers?—No.

3545. You did not?—I did not; I was not there any time after that. It was over nearly when I got there.

3546. Did you hear from anyone else that he had made a statement?—I did.

3547. What was the statement you heard he

at 2

R. Gibson.  
21 June  
1880.

R. Gibson. had made?—A statement that there would be no pay.  
 3548. Was it in the committee-room you heard it?—Yes.

3549. Mr. Justice Barry.] In 1878 did you expect payment for canvassing?—I did not.

[The Witness withdrew.

Mr. JOHN GRAHAM, sworn; Examined by Mr. Porter.

Mr. Graham. 3550. Did you canvass at the last election?  
 —Yes, a little.  
 3551. Did you canvass at the 1878 election?—Yes.  
 3552. Which did you canvass most at, the 1878 or 1880 election?—Well, I went through more townlands in 1878.  
 3553. Had you a list this time?—Yes.  
 3554. Who was your comrade?—I had not any comrade.  
 3555. You went by yourself?—Yes.  
 3556. Who was it that gave you instructions?—Well, I believe it was Mr. Coulter.  
 3557. Do you remember the date when that was?—I do not.

Mr. Baron Fitzgerald.] Are you speaking about 1880 now?

Mr. Porter.] No; I am asking him about 1878.

3558. Was it this last time that Mr. Coulter engaged you?—Well, I got a letter from Mr. Finnegan; his name was on it.

3559. To come in?—Yes.

3560. Where?—To the Conservative committee-rooms.

3561. At this last election?—Yes.

3562. Did you go in?—Yes.

3563. Did you meet Mr. Coulter?—Yes, he was there.

3564. Was it Mr. Coulter who gave you instructions about canvassing?—Yes.

3565. Did Mr. Fulton give you any instructions this last time?—I think not.

3566. Your instructions were to canvass, and you got a book or some tickets, I suppose?—I had a printed list.

3567. You went by the printed list?—Yes.

3568. Did you return the result?—Yes, I believe I did.

3569. How many days were you out?—I was not out any full day.

3570. Parts of the day?—Yes; principally in the evenings.

3571. Just the same as in 1878?—I was out more in 1878.

3572. Who gave you the instructions in 1878?—I believe it was Mr. Coulter and Dr. Fulton too.

3573. What instructions did they give you in 1878?—They told me to go through the townlands and canvass a little.

3574. Was anything said in 1878 to you, before you went out, about money?—No.

3575. Not a word?—No.

3576. Was anything said this last time about money?—No.

3577. About whether you were to be paid, or not to be paid?—No, nothing was said.

3578. It was not stated whether you were to get money or not?—I heard from one of my neighbours on the committee that there was to be no pay; that there was none to be got.

3579. What did you get in 1878?—I got about 4 l. 10 s.

3580. How much of that was for the canvassing?—I do not know what it was for.

3581. Did you do any other service in 1878 besides that?—No.

3582. I suppose then you had a big district?—Yes.

3583. Where did you get the 4 l. 10 s. in 1878?—I think it was in Mr. Courter's office.

3584. Who gave it to you?—Dr. Fulton, I believe.

3585. Was Mr. Coulter there when you got it?—Well, I am not able to say.

3586. Do you recollect who else was there besides yourself?—I think Mr. Finnegan was there.

3587. Did you canvass in 1874; that is, the general election before the election of 1878?—No.

3588. One thousand eight hundred and seventy was the first time?—Yes.

3589. You voted both in 1878 and 1880?—Yes.

3590. Who was the neighbour who spoke to you about this, and said he understood there was no payment?—Well, it was a man named William Dick.

3591-2. Do you remember the time when the petition was first talked about against Lord Castlereagh's return?—Yes, I remember that.

3593. Can you tell me when it was that Dick spoke to you about there being no payment?—It was about the time of the election.

3594. Was it after the polling day?—No; it was before it.

3595. Was it after you had done the canvassing?—No; it was before; it was about the same evening we went first.

3596. What sort of a man is he?—A very respectable man.

3597. There was nothing said to you at all by Mr. Coulter that there would be no payment?

—No.

3598. Nor by anybody with any authority?

—No.

3599. Or by anyone on the committee?—No.

Mr. Baron Fitzgerald.] I think he said this man was a member of the committee.

Mr. Porter.] Yes.

3600. Were you a member of the committee yourself?—Yes.

3601. I suppose you thought you knew as much about it as the others; did you take out any papers with you when you were canvassing?—Do you mean newspapers?

3602. Yes?—There was an odd one or two sent.

3603. Did you distribute them?—Yes.

3604. Do you remember the talk in the papers about whether the ballot was a secret or not?—I do not remember.

3605. Come, now, you are an intelligent man and read the newspapers?—A little; I think there was something concerning it.

3606. I suppose

3606. I suppose it was a good deal talked about?—I paid a little attention to it.

3607. It would be sure to be an important thing for people to know whether the ballot was secret or not; was it not a thing that the farmers would take an interest in, one way or the other?—They might do.

3608. What paper was it you took out?—I believe it was the "News Letter."

3609. When was it you took out the "News Letter" to distribute?—Any day that they were sent. The time that I was canvassing it was about twice, I think.

3610. Did you see what was in the "News Letter"?—I did partly.

3611. Did you see anything in it about what was the ballot secret?—I believe not in those papers.

3612. Will you swear you did not see that in any of the papers you took out?—This is the time I was canvassing; there was a paper or two sent out, I think, twice about, but it was to let them see the meetings.

3613. To see the meetings?—Yes.

3614. Whenever the papers were sent out, you took them out?—Well, I suppose I did.

3615. How many different sets of the "News Letter" were sent to you to take out?—I believe not more than two.

3616. What was the first one?—I am not able to tell you.

3617. Do you recollect seeing a long narrow strip, that had been struck off?—I do not know. I am not able to tell you that. I might and I might not.

3618. When you were out, do you recollect speaking to any of the people, or they speaking, about whether Mr. Finnegan was right or wrong concerning the ballot?—No; I do not believe there was one spoke to me.

3619. Not one?—Not that I remember.

3620. Was it not rather an important thing?—I do not believe the Ballot Act was mentioned by us.

3621. Not the Ballot Act?—No.

3622. Nor Mr. Finnegan?—No; I do not believe I mentioned his name.

3623. What were you talking about to the people when you went to canvass?—I might ask them who they felt inclined to vote for, or something of that kind.

3624. You said, it was better to vote for the landlord?—Well, I said it was the landlord's choice.

3625. Who is the landlord in that part of the ward?—Mr. George Clarke.

3626. It was not Mr. Price's property?—No.

Cross-examined by Mr. Mackay.

3627. Did you use your own horse and cart in 1878, when you were canvassing?—Well, I believe I did about three days.

3628. I wish to fix the time particularly when the conversation between you and Mr. Dick occurred; what is Mr. Dick, a farmer?—He is a farmer, but he keeps a grocer's establishment, and has posting cars, and is a very respectable man.

3629. And was a member of the committee?—I do not know whether he was at this time.

3630. He will speak for himself?—Yes, he will.

3631. Were you at the meeting of the committee when Mr. Young made any statement that there should be no payment this time?—I never heard it mentioned.

3632. But Mr. Dick told you it was so?—Yes.

3633. Did he not tell you that at the meeting of the committee Mr. Young had told them all there that there should be no payment this time?—Yes, he did.

3634. And that was before you canvased?—Yes, that was the first evening I went down when I heard that statement.

3635. And with a knowledge that the same thing would not take place that had taken place in 1878, you undertook to canvass, did you not?—Yes, I did.

3636. Is it not a fact that you have no claim whatever for money on this occasion?—I have no claim.

3637. You told my learned friend, who wanted to coax you, that the ballot was not the subject of the talk between you and the people?—No.

3638. It was merely a request that they should vote?—It was to induce them a little; I had not much influence. I went through the townlands.

3639. You had not much influence?—No.

3640. You requested them to vote?—Yes.

3641. You did not discuss with them, I suppose, the many abstract questions concerning the ballot?—I am sure I did not.

3642. You circulated several papers, with the addresses of Lord Arthur Hill and Lord Castle-rough, did you not?—Yes, those were the papers I circulated.

3643. And probably not only their own addresses to the people, but the addresses of the tenantry?—Yes.

3644. You circulated these also?—Yes, I did.

3645. You have no recollection of having read those papers, because the ballot was spoken of in them, or because it was not spoken of in them?—No.

Re-examined by Mr. Porter.

3646. When did you finish your canvass?—I believe an evening or two before the election.

3647. In 1878 there was no promise of payment before-hand?—There was none.

3648. Mr. Justice Barry.] Were you very much surprised when you got the 4*l.* 10*s.* in 1878?—Well, I do not know, my Lord.

3649. How long after the election was it that you got it?—It might be two or three months.

3650. You were not expecting anything?—No, my Lord, I was not. I told them I wanted nothing. I told Mr. Coulter that. He asked me what I wanted, and I told him I wanted no money; I said I would do it, and I canvassed free; and so I would again, my Lord, if it is needed.

3651. When was it you said that?—Some evening after the election, when some people were beginning to talk about it. He asked me if I wanted my expenses of the election, and I told him I wanted none.

3652. Mr. Murphy.] But you got it afterwards?—Yes, he sent me some afterwards.

[The Witness withdrew.]

Mr. WILLIAM CAMPBELL, sworn; Examined by Mr. Murphy.

- Mr. Campbell. 3653. Who engaged you for canvassing in 1878?—There was no one engaged me.  
 3654. You did canvass?—I did.  
 3655. Did anyone ask you to canvass?—No.  
 3656. Did you canvass this time?—No.  
 3657. Did anyone ask you?—No, and I got nothing for it.  
 3658. After the 1878 election did you get any money?—No, in no shape whatever.
3659. Not at all?—No, neither time.  
 3660. Did you canvass this time?—No, I did not.  
 3661. You had nothing at all to do with it this time?—No.

[The Witness withdrew.]

Mr. JOSEPH PATTISON, sworn; Examined by Mr. Porter.

- Mr. Pattison. 3662. Had you a vote in 1878?—Yes.  
 3663. And this last time?—Yes.  
 3664. You voted at both elections, in 1878 and this last time?—Yes.  
 3665. And did you canvass at both elections?—Yes.  
 3666. In the Saintfield district?—Yes.  
 3667. Did you go with anyone?—Hugh McMillan.  
 3668. What district did you go through this time?—The same as in 1878, only a few townlands more.  
 3669. You had your written instructions?—Yes.  
 3670. Who employed you this last time?—I got a letter from Mr. E. S. Finnigan to attend a meeting of the committee at Saintfield.  
 3671. Did you see Mr. Coulter there?—Yes.  
 3672. Did he tell you what to do?—No; I got my papers from Mr. Young.  
 3673. Who gave you instructions in 1878?—It was Dr. Fulton.  
 3674. What were you paid in 1878?—£. 4. 10 s.  
 3675. Was that for yourself and the other man?—It was for myself.  
 3676. Were you canvassing on foot?—Sometimes on foot; sometimes on a car.  
 3677. Four pounds ten shillings is a good deal of money; how many days was it for?—I could not tell you now; I do not remember now to an hour.  
 3678. It was a good deal?—I kept no account of it.
3679. You did more this time?—Yes; I went to part of two townlands more.  
 3680. Were you promised any money this time?—No, I was not.  
 3681. Were you told anything about it?—Yes; I heard Mr. Young telling them, the night the committee first met, that there would be no pay for any work this time.  
 3682. Did he say there was to be no pay in the first instance?—Yes, he did; that was the first night of the committee.  
 3683. There was to be no pay of the committee?—No pay for canvassing, or for anything else.  
 3684. You thought he was joking?—Oh, I do not know whether he was joking or not.  
 3685. You got your book, and went out and did the work?—Yes.  
 3686. Did he say anything to yourself?—They might be said in a general sort of way. I never spoke to the man from that night to now.  
 3687. You did the work?—Yes.  
 3688. Honestly?—I did it all well.  
 3689. Mr. Justice Barry.] Did you do it all on foot, now?—Yes, all on foot.

Cross-examined by Mr. Mevree.

3690. It was after you heard that announcement from Mr. Young that you did the work?—Yes, the first night I went to the committee, on the 17th or 18th March.  
 3691. You were on the committee yourself, and heard all that stated?—Yes.

[The Witness withdrew.]

Mr. HUGH McMILLAN, sworn; Examined by Mr. Shaw.

- Mr. McMillan. 3692. WERE you engaged in 1878 as a canvasser?—Yes.  
 3693. Who employed you at that election?—Dr. Fulton.  
 3694. What arrangement did he make with you about money?—He made no arrangement whatever.  
 3695. Money was never mentioned at all?—Not at all.  
 3696. What money did you get?—£. 4. 10 s.  
 3697. You were on the high scale; when did you get the £. 4. 10 s.?—It was five or six months after the election.  
 3698. Who gave it to you?—Dr. Fulton.  
 3699. Did you go to him for it, or did he send it to you?—I went for it.  
 3700. Who was there when you got there?—Mr. Finnigan was there.
3701. You were engaged this time as a canvasser?—Yes.  
 3702. Who engaged you?—Mr. Finnigan sent me a letter by post to attend the meeting at the Saintfield Hotel.  
 3703. You went to the meeting?—I did.  
 3704. You got your appointment as a canvasser?—I got the canvass sheet, along with Joseph Pattison, to go out to the townlands.  
 3705. Nothing was said about money this time?—I never heard money mentioned either time.  
 3706. You went out to canvass?—I did go.  
 3707. You got no money this time, I suppose?—I did not.  
 3708. And do not expect any?—I do not expect a farthing.  
 3709. Did the getting of the money on the first



first occasion excite any hope at all in your mind about being paid this time?—Not the slightest.

3710. What did you think the money was given to you for the first time?—I could not say that. It would be hard for me to tell.

3711. You are on your oath; you went for the money to Dr. Fulton, and you did not know what you got it for?—I certainly do not know what it was for.

3712. Do you not know that it was for your services at the election?—I do not know whether it was for my services, or whether it was a free gift, or what it was for.

3713. Did anyone get a present who was not working during the election?—I do not know that.

3714. You do not know what you got the money for?—I do not know whether it was a free gift or not.

3715. Did it not occur to you that there might be a free gift this time?—It never occurred to me for a moment.

3716. Whether there would not be a present this time as well as the last?—I had nothing to do with that.

3717. You know of no reason why there should not be a present this time?—I do not know anything about it.

3718. There was no difference between this time and the last?—We had two townlands more to do.

3719. There was no difference this time to the last about payment?—No.

3720. You had no reason to expect money?—Nothing of the kind.

Cross-examined by Mr. Kirby.

3721. Did you go in with Joseph Pattison to the hotel in Soutfield this time?—I do not know whether I was in before or not.

3722. You were in the same evening?—I was.

3723. Did you see Mr. Wellington Young there?—Yes.

3724. Did you hear him make a statement that canvassers would not be paid this time?—I believe that statement was made before I went in.

3725. Did anyone tell you that that statement had been made?—I believe I heard it after I came out of the room.

3726. Was it Pattison who told you?—I could not say.

3727. So that you knew before you canvassed that no money would be paid for canvassing?—I knew it perfectly well.

3728. In 1878 had you done some of your canvassing upon horse and car?—Some of it.

3729. Of course, money had to be paid for your horse and car?—I do not know anything about that.

3730. Was it your own horse and car?—It was not.

3731. Was it Pattison's?—It was not.

3732. Then it was a horse and car that had to be hired?—Yes.

3733. Mr. Justice Barry.] Did you pay anything for the horse and car which was used in 1878?—No, I did not.

3734. Mr. Kirby.] This time did you canvass on foot?—Yes.

3735. And along with Pattison?—And along with Pattison.

3736. And you knew you were not to be paid?—And I knew I was not to be paid.

Re-examined by Mr. Shaw.

3737. When you told me that you did not know what the money was for, did you not know that it was for a horse and car, and that you had not paid for it?—I had nothing to pay for it.

Mr. Justice Barry.] He says he did not have anything to pay for it. Why you should think it important to prove that he did, I do not know. These payments, of course, are not included in the 13,000 £, the amount of the returned expenses.

Mr. Porter.] We cannot tell, my Lords, because they were destroyed; or if they were not destroyed, they were taken to Lord Downshire's agent.

Mr. Justice Barry.] I take it, they could not have been included.

Mr. Porter.] I think they could not have been. The statute says two months.

Mr. JAMES PRENTICE, sworn; Examined by Mr. Murphy.

3738. Are you a Farmer?—Yes.

3739. You were canvassing in 1878?—Yes.

3740. Who was canvassing with you in 1878?—A man named John Hampel.

3741. Was he canvassing with you this time? Mr. Prentice.

—No.

3742. Who was with you this time?—No one.

3743. Did you do all the work this time by yourself?—Yes.

Mr. HUGH McMILLAN, re-called.

3744. Mr. Murphy.] Did you vote at the last election?—Yes.

Mr. McMillan.

Mr. JAMES PRENTICE, re-called.

3745. What place did you canvass in 1878?—Cotnam.

3746. In conjunction with the other man you have named?—Yes.

3747. Who asked you to canvass in 1878?—I believe it was Dr. Fulton.

380—Sess. 2.

3748. Was it he asked you this time?—No.

3749. Who was it asked you this time?—It was my father got a letter to go out; he was not able, and he asked me to go out.

3750. Where did you go to get your instructions?—

Mr. Prentice.

—

Mr. *Proctor*. tions?—There was a list sent to go round the townlands.

21 June 1882. 3751. Your father got the list to go out, and you took the list and went out?—Yes, he gave me the list; he was not able to go.

3752. How many days were you canvassing?—I was not the whole day canvassing; I was some part of some days.

3753. Three or four days?—Three or four hours a day.

3754. You did more work this time than you did last time?—I do not know that.

3755. I suppose you did so little both times, that it was not worth counting?—I did as well as I could.

3756. Did you make a return of the canvassing this time?—Yes.

3757. You used to go in and give your return to the committee?—Yes.

3758. Did you do it each evening, or make it altogether?—It was just one evening.

3759. To whom did you make the report?—Mr. Coulter or Mr. Ray; I do not know to which; I do not know, I am sure.

3760. What was paid after the election of 1878 for the canvassing?—I do not know indeed.

3761. Did you not get anything?—Yes, I got something.

3762. Then you ought to know; gracious goodness, you cannot forget it in that way! you got something?—Yes.

3763. Was it the 2*l*. or 4*l*. 10*s*. scale by which you were paid?—It was neither.

3764. What was it; something between?—Thirty shillings I was paid.

3765. Who paid you the 30*s*?—I do not know; I think it was Mr. Coulter.

3766. Did you ever get in your life before 30*s*. when you did not know where it came from?—I see who gave it; it was either the doctor or Mr. Coulter.

3767. Were they both together when you got it?—Yes.

3768. Was it in Mr. Coulter's office?—It was in a little room.

3769. You were there by yourself?—No.

3770. Who was with you; was your companion with you?—No.

3771. Who was with you?—The doctor and Mr. Coulter.

3772. But, barring the doctor and Mr. Coulter, there was no other voter there?—No.

3773. Not any other canvasser there?—Mr. Finnegan was there.

3774. But the man who canvassed with you was not there?—No.

3775. Nor any of the other canvassers?—No.

3776. Nor any of the other voters?—No.

3777. You had voted at the last election in 1878?—Yes.

3778. And at this election?—Yes.

3779. Who asked you to go in and get the 30*s*?—I got a letter.

3780. From whom?—Indeed I do not know whose name was signed to it.

3781. Dr. Fulton?—I could not say.

3782. Mr. Finnegan?—I could not say.

3783. Or Mr. Coulter?—I could not say.

Mr. Baron Fitzgerald.] I understood the letter was sent to his father.

Mr. Murphy.] I am asking him about the letter, my Lord, with respect to going for the 30*s*.

3784. Am I right; did you not get a letter to go in for the 30*s*?—I think so.

3785. What was said; that there was some money going, or what?—I think it was a meeting of the committee.

3786. The committee were Dr. Fulton, Mr. Coulter, and Mr. Finnegan?—They were there.

3787. Were there any other members of the committee there?—Yes; I saw some members of the committee in the street; I saw some in the street going there.

3788. You met some going there?—And going home.

3789. Did you ask the men going home what they had got?—No.

3790. The only committee meeting you attended there, then, was with the three gentlemen you have named?—I saw more in the town.

3791. But in the little room where the money was going, there was no other person?—No.

3792. Did you hold a meeting out of the town that evening. You were asked to go in to a meeting of the committee?—Yes.

3793. In what room was the committee to be held?—In Mr. Coulter's.

3794. In Mr. Coulter's. Was that all you got, a letter which told you to come in and attend a meeting of the committee?—Yes.

3795. You did not know what you were to attend the committee meeting for?—No.

3796. You did not know that there was to be any money to be given?—No.

3797. Were you surprised when you got it?—No.

3798. Not a bit?—Not a bit.

3799. You knew that was a meeting of the committee you came to attend?—I did not.

3800. Did you not hear that through the district?—No. I was at several meetings.

3801. You did not get 30*s*. or any others?—No.

3802. Did you ask what you got the 30*s*. for?—I never asked.

3803. You know well, I am sure?—Well, I have an idea.

3804. A very close one, I am sure. You have told us the way in which you were engaged this time?—I have, I believe.

3805. Mr. Justice Barry.] Did you ask any of the other committee-men whether they got anything?—No.

3806. They did not tell you whether they had got anything?—No, I do not remember that they did.

3807. Did you ask what business of the committee was to be transacted that night, or what you were to do?—I went to Mr. Coulter's and I saw them.

3808. You saw then what it was?—Yes, I did.

Mr. Murphy.] The best business of the committee meeting.

Cross-examined by Mr. Morduegh.

3809. You had an idea of what you got the 30*s*. for?—That was for canvassing.

3810. You were expecting that?—But I do not know positively what it was for.

3811. The work you had done was canvassing?—Yes.

3812. Had you used your horse and car?—No.

3813. Was it your father's?—No.

3814. Did

3814. Did you do it on foot?—Sometimes on foot, sometimes on car.

3815. John Hompkin, I think, canvassed with you?—Yes, the first time.

3816. You canvassed alone on this occasion?—Yes.

3817. Was your father confined to bed when he got the letter?—Well, he is not able to work.

3818. He requested you to go in his place?—Yes.

3819. You did attend the meeting?—Yes; I took down the return when I got through.

3820. Did you not go in; your father received the letter?—Yes.

3821. Did you not then go in and attend the committee meeting?—No, I took the returns.

3822. Until you went in to take the return list you did not go in to the committee?—No.

3823. Were you not informed that there was to be no money paid for canvassing this time?—Yes, I heard they had said so; I was not there.

3824. Mr. Justice Barry.] When did you hear that?—I heard it by the rest of the members.

3825. Mr. Macdonogh.] Was it not well known in the neighbourhood that there was to be no money paid for canvassing this time?—Yes.

3826. Did they not tell you that Mr. Young had expressly stated to them all who were there at the time that there should be no money paid for canvassing this time?—Yes.

3827. You knew that when you went to canvass?—Yes.

3828. And therefore on this occasion you well knew you had no right to claim money for canvassing?—Yes, I did.

3829. And having so claim, I presume, you will not make a claim?—No.

3830. And having been distinctly informed that there should be nothing of the kind this time is it not a fact that you do not expect to get any money?—I do not.

3831. Mr. Justice Barry.] Was it when you went in with your report after canvassing that the other men told you there was to be no money?—I do not know whether it was before or after that; I think it was before that.

3832. Had you done any canvassing before you heard that?—I heard there was to be none before I went out canvassing.

[The Witness withdrew.

MR. WILLIAM SLOANE, sworn; Examined by Mr. Porter.

3833. ARE you a voter in the Saintfield district?—Yes.

3834. Did you canvass at the election in 1878?—Yes.

3835. And at the election of 1880?—Yes.

3836. You voted, I believe, at both?—Yes.

3837. Did you canvass the same district in the two elections?—No.

3838. Who gave you your district this time?—I think it came from Mr. Young; I was not present, it was sent to me.

3839. Had you the names of the people in the Townlands on a printed list?—Yes.

3840. I suppose you did the work, you went and canvassed?—Yes.

3841. Did you return the result of your canvass?—I sent it in.

3842. Good, bad, and doubtful?—I suppose it all went in.

3843. What were you paid in 1878?—£. 2.

3844. Who gave you your instructions in 1878?—I think it was Dr. Fulton and Mr. Coulter.

3845. Who was it that brought you the instructions this last time?—It was a son of mine; I sent him in to get the instructions.

3846. Did you act as a personation agent on the day of the polling?—Yes.

3847. Did you see Mr. Coulter or Dr. Fulton before you canvassed this time; did you see them personally about the meeting?—I saw Mr. Coulter one evening I went down.

3848. Was he speaking to you about pay?—No, not in the least; I did not expect any.

3849. Did he speak to you about whether you were to get paid?—No, not a word.

3850. Was any payment promised beforehand in 1878?—No.

3851. How came you to get it?—I suppose as a present.

3852. Were you summoned to the committee meeting?—Yes.

3853. Who were present when you got your payment in 1878?—I think Mr. Coulter and Dr. Fulton.

260—Sess. 2.

3854. Was Mr. Finnegan there?—I think he was in the town at the time.

3855. What was the hour the committee was to meet at; what hour were you summoned for?—I was not summoned.

3856. Was it 8 o'clock when you were told to come?—I was not told any time.

3857. How did you come?—I was told to come down that evening a day before that.

3858. Nobody else was in the room besides those?—I think not.

3859. You did not tell anybody what you got?—No.

3860. You do not know what others got?—I know the man who canvassed with me.

3861. Who was he?—Thomas Warwick.

3862. Did he canvass with you this last time?—He did.

3863. Was he present with you when you were paid in 1878?—No.

3864. What did he get?—Well, I did not ask him.

Cross-examined by Mr. Minsor.

3865. You have told us that you do not expect anything this time?—I do not.

3866. You knew what Mr. Young had told the committee; you heard that?—I was told it; I was not there.

3867. He had told the committee on the first night that nothing would be paid for the canvassing?—I was told that.

3868. Mr. Justice Barry.] You did not understand that the £. 2 in 1878 was for canvassing; you thought it was a present?—I thought it was a present; I did not claim it for my travelling charges, and I did not expect anything.

3869. Mr. Minsor.] You were some days out?—About ten days.

3870. You do not expect any thing this time?—Not at all; I should be disappointed if I did.

[The Witness withdrew.

After a short adjournment,

X

## THOMAS WARWICK, sworn; Examined by Mr. Murphy.

- T. Warwick. 3871. You live in the Saintfield district?—Yes.  
 — 3872. You were canvassing at the last election?  
 — 3873. For Lord Castlereagh?—Yes.  
 3874. And also for the election in 1878?—  
 Yes.  
 3875. Who engaged you in 1878?—Nobody.  
 3876. You went of your own accord in 1878?  
 —William Sloane asked me to go to several  
 townlands and I went.  
 3877. Who asked you to go this time?—Wil-  
 liam Sloane himself again.  
 3878. And you went about canvassing with  
 him?—Yes.  
 3879. How many days did you go in 1878?—  
 I do not recollect.  
 3880. Some part of the day?—Some part of  
 the day; some afternoons, six or seven days.  
 3881. Used you to come in with Sloane to  
 make a return of your canvass?—Sometimes I  
 did, and sometimes not.  
 3882. Did you this time come in with Sloane  
 to make a return of your canvass?—I was in  
 once along with him.  
 3883. What day was that?—I do not re-  
 member.  
 3884. How many days after you began to  
 canvass?—I do not recollect.  
 3885. Some time after?—I do not recollect  
 how many days it might be.  
 3886. Did you go in after the election of 1878  
 to attend a meeting of the committee?—No.  
 3887. Did Sloane ask you to go in?—I do not  
 recollect; it may be he did, but I did not come  
 along with him.  
 3888. Did you go in any day and see Dr.  
 Fulton or Mr. Coulter?—In 1878?  
 3889. Yes?—No; not after the election.  
 3890. Did not you get any money at all?—I  
 did.  
 3891. Where did you get it?—From Mr.  
 Coulter.  
 3892. Was not that after the election of 1878?  
 —Yes.  
 3893. How many months after that?—It was  
 not many months; it might be six weeks.  
 3894. Or it might be a couple of months?—It  
 might be.  
 3895. Who was with you when you got it?—  
 No one was in presently but myself when I got  
 it.  
 3896. Was it in Mr. Coulter's office?—It was  
 in his room; I do not think it is an office.  
 3897. Was Dr. Fulton there?—Dr. Fulton  
 gave it me.  
 3898. Was Mr. Coulter present?—I think not;  
 I did not notice.  
 3899. How came you there that evening?—  
 William Sloane told me to come in to Saintfield.  
 3900. He did not say what about?—No.  
 3901. When you came in to Saintfield who  
 told you to go into Coulter's?—William Sloane.  
 3902. Did he go there himself with you?—He  
 did; he was in there before me.  
 3903. Then he told you to go in there?—He  
 told me before he went in to come in.  
 3904. Was he in first?—He was in before me;  
 I do not know whether first or not.  
 3905. Did he tell you what you were to go  
 for?—No.  
 3906. And when he came out he told you to  
 go in?—Yes, and Dr. Fulton called me in.  
 3907. Did Sloane tell you what took place  
 when he went in?—No.  
 3908. He did not tell you what he got?—No.  
 3909. When you went in the doctor handed  
 you the money?—Yes.  
 3910. Did he say what it was for?—He did  
 not, and I did not ask him.  
 3911. You knew very well what it was for?—  
 I do not know; I did not ask him what it was  
 for, and he did not say.  
 3912. What did you think he was giving you  
 the money for?—I did not know; he said, "Here  
 are two sovereigns I am going to give you." I  
 said, "Thank you," and came out again.  
 3913. Did he ever give you money in that way  
 before?—No.  
 3914. And did anybody on earth give you  
 money in that way before?—I cannot say that.  
 3915. When you came out did you tell William  
 Sloane what you got?—I did not. I did not  
 wait on William Sloane.  
 3916. After that, were you and he speaking  
 about it?—We were not; not upon that subject.  
 3917. You never told anyone that you got it?  
 —I did.  
 3918. Who?—I told heaps of people that I had  
 got two sovereigns.  
 3919. You never mentioned it to Sloane?—I  
 did since very often, but not that night.  
 3920. Did you tell any one that evening?—I  
 did.  
 3921. And you never asked the doctor what he  
 gave you the two sovereigns for?—I never did.  
 3922. Sloane asked you to go canvassing with  
 him this time?—He did.  
 3923. Did he say anything about payment?—  
 Not at all.  
 3924. Whether you would or would not be  
 paid?—No.  
 3925. And you went canvassing?—Yes.  
 3926. And sometime after you went canvassing  
 you came into the committee-room with the rest?  
 —I came in with him one night, when returning  
 with the rest.  
 3927. Who did you see there?—I cannot say.  
 3928. Was anybody speaking about your work?  
 —No.  
 3929. Nor about payment?—No.  
 3930. You never heard anything about it?—  
 No.  
 3931. Neither then nor any other time?—  
 Neither then nor any other time.

## Cross-examined by Mr. Munroe.

3832. Like everybody else you knew, there  
 was to be no pay this time?—I never heard about  
 it.  
 3833. Were you there when Mr. Young was  
 on the committee?—I was in the greater part of  
 the day; I was in town, but I did not stop to  
 hear the arrangement made that evening.  
 3834. Were you canvassing with William  
 Sloane?—Yes.  
 3835. Did not you know there was to be no  
 payment this time?—I heard so.  
 3836. Who told you that?—William Sloane  
 told me before he and me went out the first day

to canvass that there was to be no pay, and I did not look for anything or expect anything.

3937. Did you hear that that had been said by Mr. Young in the committee-room?—Yes, I heard that he did so on the first day.

3938. Before any money was paid to you at all in 1878, had you and any of the people met together before you went in, and before any demand was made in 1878?—I met William

Skeane down the street; he told me to go to Mr. Coulter's; but I was not talking to anybody else before I went in there.

T. Farrell.  
—  
21 June  
1880.

Re-examined by Mr. Murphy.

3939. You voted at the last election in 1878?—I did.

[The Witness withdrew.

WILLIAM H. WILLIAMSON, sworn; Examined by Mr. Porter.

3940. WERE you a canvasser both in 1878 and 1880?—I canvassed a little in 1878, but not in 1880.

3941. Were you doing any work for the election in 1880?—I was a little.

3942. What kind?—I was bringing the papers and telegrams from the train for two days, or two and a-half days.

3943. As a messenger?—Yes.

3944. Who instructed you to do that?—Mr. Coulter sent for me on the occasion.

3945. What did he tell you you were to do?—I acted in a similar way in 1878, and he told me I was to fulfil my old office.

3946. It was to help the committee to do what they told you to do?—He never mentioned the committee, but just to fulfil the old office.

3947. Did he employ you in 1878 in the same way?—Yes; and afterwards he said, perhaps, begging your pardon, he said, remember you are not to be paid nor to get any money.

3948. Mr. Justice Barry.] He said, "You are to continue your old office, but remember you are not to be paid"—Quite right, my Lord.

3949. Mr. Porter.] He told you that distinctly? Yes; or to get any money.

3950. Did you make a memorandum of it?—No; I do not keep a diary.

3951. Was anybody present at the time?—Nothing but himself; it was his own house.

3952. And you distinctly remember that?—Yes.

3953. In 1878, how much did you get?—Has it any reference to the present?

3954. Perhaps not, but I am the best judge of that?—You may be the best judge of it.

3955. How much did you get?—I got 7 l.

3956. You voted in 1878?—Yes.

3957. What did you get the 7 l. for?—For expenses, and, I suppose, for my work; for work done.

3958. Had you been promised anything beforehand in 1878?—What do you mean by "beforehand"?

3959. Before you did the work?—Not at all.

3960. You never heard anything of money?—There was nothing of the kind mooted.

3961. Till after the election was over?—And after a long time after the election was over.

3962. Were not you paid within two months after the election in 1878?—Yes, but that is a good time.

3963. And nothing but then?—Nothing but then; I would not swear whether it was more or less.

3964. There was no word of payment until you were paid?—No, there was word and talk about being paid for our services, of course.

3965. Was any arrangement made before you

did the work that you should be paid?—Nothing of the kind.

3966. You got no remuneration this time?—No, and I do not expect any; it is a matter of honour.

3967. It is a matter of honour?—Yes, in my humble opinion.

3968. When did you first hear about being paid in 1878?—That I cannot remember; I had seen him.

3969. Had you seen him before or after the election?—I have stated already that it was certainly within two months.

3970. What work did you do in 1878?—The work I did was to literally fulfil the office I held before.

3971. As messenger?—Yes.

3972. Going for parcels and letters?—Yes, and telegrams.

3973. How many days were you engaged at that?—I cannot remember.

3974. A week?—Yes, I am sure I was a week.

3975. What is your ordinary business?—I make a man's undertakings.

3976. That means you are a cobbler?—No, I am a bootmaker by profession.

3977. And you got 7 l. for that?—For which?

3978. For the work you did in 1878; carrying messages and telegrams?—Yes.

3979. Did you carry out any newspapers this time?—I served one on Miss Dalgan one evening.

3980. With what?—With letters.

3981. From whom?—From Lord Castlereagh's tally-room.

3982. Was that all you served?—Yes.

3983. How many parcels did you carry?—I cannot say; I was only for three days interfering with the parcels.

3984. Were you sent for to go to Mr. Coulter's?—Yes.

3985. Did you apply for the employment yourself?—Mr. Coulter sent for me; but I dropped into the tally-room one evening. I think the second evening after Mr. Wellington Young assembled the committee-room; he is Lord Castlereagh's conducting agent.

3986. You were not there when he was there?—I was there one evening.

3987. Were you looking for work; on your oath did you ask to be employed as you had been on the previous election?—Give me the time and I will tell you.

3988. Answer the question?—I will tell you the honest truth.

3989. Go on, now?—As I told you before, I went into the tally-room; I dropped in on the second evening when the committee was there

assembled,

W. H.  
WILLIAMSON.  
—

W. H.  
Williamson.  
21 June  
1880.

assembled, and I heard Mr. Wellington Young say—

3990. You are not answering my question; and you must answer it; this is my question; did you ask to be employed?—No.

3991. Did you ask for a job?—No, I did not.

3992. Did you offer your services?—I did not ask Mr. Young for a job.

3993. I did not say Mr. Young, nor anybody else; did you ask anybody to be employed?—I do not know; but I did ask Mr. Coulter.

3994. That means you did ask Mr. Coulter?—I think I did.

3995. Do not you know you did?—Yes.

3996. To be employed?—I did.

Cross-examined by Mr. Kiskey.

3997. What were you going to say when my learned friend stopped you; what did you hear Mr. Wellington Young say?—I heard Mr. Wellington Young say at the committee, "I want each canvasser to canvass his own district, and to go into the farm-houses and ask the farmers to give their vote decently and conscientiously," and the word "payment or money" was never mentioned.

3998. Mr. Justice Barry.] He did not say they were to understand they were to get no money?—I did not hear him say that.

3999. Mr. Kiskey.] Was this the second evening of the committee?—As near as I can remember.

4000. Was this after you heard from Mr. Coulter that you were not to be paid this time for your services?—I cannot remember that.

4001. You cannot remember whether it was before or after that?—It was before I was sent for by Mr. Coulter.

4002. Had you seen Mr. Coulter at all about applying for a job until you were sent for by him?—I had on some previous occasion.

4003. When you applied to him for a job, did he offer you one?—Yes, he said I would get one.

4004. Did he tell you what it would be?—No.

4005. Then he sent for you afterwards?—Yes.

4006. When he sent for you afterwards, what did he say?—He said, "I want you to take your old office, and remember there is no money."

4007. And accordingly you took it?—Yes.

4008. And you considered that an honour?—Yes.

4009. Mr. Justice Barry.] Did you vote at the last election?—I did.

[The Witness withdrew.]

SAMUEL BOYD, sworn; Examined by Mr. Murphy.

S. Boyd.

4010. You live near Seaforde?—I do.

4011. Are you a voter?—Yes.

4012. Did you vote at the last election?—Yes.

4013. Were you employed in any way at the last election?—I was at a meeting in Seaforde, and I was desired to canvass the town I reside in.

4014. Who asked you to canvass?—I do not know indeed who did.

4015. You were applied to to canvass at the last election?—I did not get a paper, but Mr. McMahon, his son, and my son, canvassed.

4016. Did you canvass in 1878?—No, it was the same young man, as far as I can recollect, and my son.

4017. Were you paid for anything in 1878?—No, there was no pay; there was never any pay that I heard tell in any shape.

4018. You got none?—No; and I did not hear of it being got in the whole of my district.

Cross-examined by Mr. Macdonagh.

4019. You do not live in this peculiar locality called Saintfield; you live near Seaforde?—Yes.

4020. How far from Seaforde do you live?—Two and-a-half miles.

4021. Your son and McMahon's son canvassed?—Yes.

[The Witness withdrew.]

DAVID MCGEE, sworn; Examined by Mr. Murphy.

D. McGee.

4022. Where do you live?—In Holywood.

4023. Were you employed by Lord Castle-rough in 1878?—I posted bills for him.

4024. Did you do other things for them about the committee; messages for them?—I just posted bills.

4025. Did you do nothing else?—No, nothing else.

4026. You are not a bill-poster; you have a shop in Holywood?—It is the occupation I follow; for anyone.

4027. What were you paid for what you did in 1878?—I am not positive; I do not remember; I may tell you about.

4028. Tell me about?—I think about 6 l., or thereabout; I am not positive.

4029. You voted?—I did.

4030. You voted at this election?—Yes, I did.

4031. Were you employed at this election?—I posted the bills as well.

4032. Were you paid anything?—I was not.

4033. Did you make any demand?—I did not.

4034. Were you told that you would be paid in 1878, before you did the work?—I was not.

4035. Who employed you this time?—A man of the name of Davey Lennex gave me the bills.

4036. Did you get any newspapers to distribute?—Not at all.

4037. Who paid you in 1878?—It was a gentleman in the hotel, but I do not know who he was; I did not know him at all.

4038. You do not know by whom you were paid?—A gentleman paid me.

4039. He was a real gentleman to pay you 6 l. for the work, but you do not know who he was?—No.

4040. Did he say what he paid you the money for?—I furnished an account.

4041. Why did not you furnish an account this time?—I did not do it.

4042. You did not require to be paid this time?

time?—I do not know; of course, to speak properly, I desire payment for my work it is my business to follow.

4043. Why did not you furnish an account?—I did not do so.

4044. You did not expect to be paid for your work this time?—Well, it is my business to post bills, and I should like to be paid, but I am not paid, and I am promised none.

4045. You did not make any demand?—None.

4046. None?—None whatever.

4047. Were you asked to send in your bill?—I was not.

4048. Were you asked to send in your bill after 1878?—Well, I was not asked. I think it was advertised in the papers; I am not certain. It was advertised this time also.

4049. Who did you send in your bill to in 1878?—Indeed I do not remember.

4050. How do you know where you were to go for your money?—A man came down to the hotel, and he was paying other people, and I went too.

4051. What was he paying other people for?—I cannot say.

4052. Were you present when others were paid?—I was not.

4053. You were there alone with him when you were paid?—Yes.

4054. Did he produce your account?—I believe so.

4055. What is the exact amount that you sent in your account for, what you asked?—Indeed, if I remember—

4056. Maybe you asked a little more?—I might.

4057. Or a little less?—I do not remember.

4058. You do not remember whether you were paid more or less than you demanded?—I do not, but I was not paid too much.

4059. How long after the 1878 election were you paid the couple of pounds afterwards?—It was dilatory; it might be that, and it might not be so much.

4060. You said you voted this time?—Yes; and I posted the bills before when I had no vote.

Cross-examined by Mr. Meares.

4061. When first had you a vote?—The election before this one.

4062. In 1878?—Yes.

4063. What business do you follow; do you carry on any trade?—I have a shop.

4064. What sort of a shop?—I sell vegetables and papers. I did not vote for anyone.

[The Witness withdrew.]

THOMAS DUNWOODY, sworn; Examined by Mr. Porter.

4065. Did you vote at the last election in the Hollywood district?—Yes.

4066. And in 1878?—No.

4067. Had you a vote in 1878?—No.

4068. Were you canvassing in 1878?—No.

4069. Were you canvassing this last year?—I was.

4070. Who engaged you to canvass?—No one; I offered my services.

4071. To whom did you go to offer your services?—David Lennox.

4072. Was that at the committee-rooms?—Outside the committee-rooms.

4073. Lord Castlereagh's committee-rooms?—Yes.

4074. Who is David Lennox?—The case collector.

4075. Was he acting for Lord Castlereagh there at that time?—I cannot say.

4076. How did you come to offer your services to David Lennox if you did not know you were acting for him?—He was mostly round with some of the rest, and I said I would take a turn round and canvass where I was known.

4077. Who were the other men; you say he was round with the rest of the men?—He was acquainted with Mr. James McLean.

4078. Mr. McLean acting for Lord Castlereagh?—Yes.

4079. What arrangement was made about pay?—There was no arrangement about pay.

4080. Mr. McLean, junior, you mean?—Yes.

4081. Was not it said how much was to be given by the day?—No; I never heard pay mentioned by any party.

4082. What is your business?—I am not in business; I take a job anywhere I can get it; sometimes on and sometimes off.

4083. What is your usual kind of business?—I was a bread server.

4084. Were you in work at the time?—No, and I am not in work now.

4085. To whom did you send in your canvassing book?—I had no list.

4086. Had you not a list?—No; I knew the parties.

4087. Did you make a return by word of mouth?—Yes; I made it sometimes with a pencil and a bit of paper.

4088. To whom?—To the committee.

4089. Were you frequently with the committee?—Mostly.

4090. They knew why you were there or they would not employ you?—I am known in the place where I canvassed.

4091. When had you worked before that; how long had you been out of work?—About three weeks or rather more.

4092. Have you been in work since?—A little while, and I am out of work again.

4093. And you were giving your time and services there?—Yes.

4094. Was it a fair amount that you will be paid for it?—I do not expect to be paid; I would give it again for the same cause.

4095. You would not think the worse of anybody who paid you?—I do not think of pay.

4096. What would be a fair sum to pay for the time you were out?—I would mention no sum.

4097. No sum in particular; what would pay you?—I would take no pay.

4098. Have you spoken to anybody about the pay since the election?—I did not.

4099. To Mr. McLean?—No, I never spoke to Mr. McLean since.

4100. Mr. Justice Barry?—How many days were you out?—I cannot say; it was evenings I was out.

4101. Mr. Porter?—You say you were out of work for a time?—Yes; I am not constant in work; I do job work.

4102. What sort of job work?—Taking lumpers' work.

N 3

4103. Was

D. McGee.

21 June  
1880.

T.  
Dunwoody.  
—

T.  
Dunwoody.  
21 June  
1878.

4108. Was that canvassing?—Yes.  
4109. Did you do any other work at the time of the election but the canvassing?—No, I did not.  
4109. When did you begin canvassing?—I could not say.  
4109. About how long before the election?—It might be eight or nine days.  
4107. And for the eight or nine days you devoted yourself altogether to canvassing?—No; just a day now and then.  
4108. What did you do on other days?—I did nothing at all.  
4108. How many days out of the eight or nine were you out?—It may be five altogether.  
4110. Did you hire any cars?—No.

Cross-examined by Mr. Macdonagh.

4111. Did not I understand you to say, when you were under direct examination, that it was

in the evening occasionally that you canvassed?—Yes.

4112. Then you did not spend the whole days canvassing?—No, I did not spend whole days canvassing; it was the evenings and the mornings I took a run out.

4113. I suppose you had strong feelings in support of the particular cause?—Yes, I had.

4114. And have you always been so?—Yes.

4115. And you neither agreed for payment nor would take it?—No.

Re-examined by Mr. Porter.

4118. Do you swear that you would not take it if you got it?—I do.

4117. Were you ever told that you were not to get payment?—I was not.

[The Witness withdrew.]

JOHN LINDSAY, sworn; Examined by Mr. Stans.

J. Lindsay.

4118. You live in Holywood?—Yes.  
4119. And are a voter?—Yes.  
4120. And you voted at the last election?—Yes.  
4121. Did you hold any appointment?—I was agent.  
4122. What kind of agent?—Personation agent.  
4123. Who appointed you to that office?—Lord Arthur Hill signed the appointment.  
4124. Who asked you to serve?—I offered my services.  
4125. Was there any arrangement as to what you were to get for your services?—Not at all.

4128. And you have not got anything?—No.  
4127. Did you act before?—Yes, in 1878.  
4128. Not as personation agent?—Yes.  
4129. What did you get then?—I got three guineas, but I did not vote.

Cross-examined by Mr. Monroe.

4130. If you were paid you could not vote?—I know that very well.

4131. And for that reason you did not vote?—I abstained from voting in 1878.

4132. You voted this time knowing you would not be paid?—I did.

[The Witness withdrew.]

JAMES GEDDIS, sworn; Examined by Mr. Porter.

J. Geddis.

4133. You are a voter in the Holywood district?—Yes.  
4134. And you voted there?—Yes.  
4135. Were you employed in 1878 upon the election?—No.  
4136. Were you employed this time for any purpose?—No.  
4137. You got no employment?—No.  
4138. Did you go about with your son doing anything?—No.  
4139. He helping you?—No.  
4140. What employment had your son?—He was messenger, or something of that kind.  
4141. Did you go about with him at all?—No, anything that I delivered came by post. I am a letter carrier.  
4142. Did you get any letters excepting what came by the post?—No, I delivered no letters or got no letters.  
4143. Or any newspapers?—No.  
4144. Did your son deliver the newspapers?—Yes.  
4145. Did you see the newspapers your son delivered?—I get a newspaper myself every morning.  
4146. The newspapers your son delivered at the time of the election; was not he employed in delivering newspapers for them?—Yes, and circulars.  
4147. Did you see some of the newspapers he delivered?—I never looked at them either. I had seen copies of them, but they did not pass through the office.

4148. They did not pass through the post office?—No.  
4149. You used to keep them at home?—No.  
4150. Do you recollect the one about the ballot being secret?—Yes.  
4151. Did you see your son delivering any of those?—I am sure he distributed them, but I did not see him. I was not with him.  
4152. You saw them with him?—I believe he distributed them.  
4153. Mr. Baron Fitzgerald.] Did you know what was in the newspapers that he delivered?—Well, my Lord, I never saw the newspaper he had, but I have heard of them papers.

4154. Mr. Murphy.] Do you recollect a newspaper with an article about whether the ballot was secret or not?—Yes, I do.

4155. Mr. Baron Fitzgerald.] Was that one that was with your son?—I do not know whether it was with my son or not; I get a newspaper myself every morning.

4156. Mr. Murphy.] Did you see a parcel of papers containing that with your son for delivery?—I do not know that I did.

4157. What time did he commence delivering newspapers first?—He went into their service three weeks previous to the election.

4158. Used you ever to look at any of the papers that your son got for delivery?—No, he did not bring them to the house.

4159. Did you meet him out with them at any time?—Yes.

4160. You did meet him out?—Yes.

4181. Did



4161. Did you at any time receive with your son for delivery, a paper about whether the ballot was secret?—I cannot swear it.

4182. Do you mean to say that you never looked at them when you met him out?—I did not.

Mr. [Baron Fitzgerald.] I understand his evidence to be this, that he knew his son was delivering newspapers; that he himself reads newspapers every day, and it is pro-

bable that he had read what was in the son's newspapers any day; not that he knew it.

*J. Gaddie.*

[Witness.] That is correct.

4163. Mr. Murphy.] You say you never read any newspaper that your son had for delivery?—No, never.

4164. Is your son here?—No, he is not.

[The Witness withdrew.

JOHN GABBAT, sworn; Examined by Mr. Foster.

4165. HAD you a vote at the last election?—I had.

4166. In the Holywood district?—Yes.

4167. Had you a vote in the 1878 election?—I had.

4168. Were you acting as canvasser?—I was.

4169. At both elections?—Yes.

4170. Did you canvass in the same place at both elections?—I did.

4171. Did you receive any remuneration in 1878?—I did.

4172. How much?—£. 4; but I was training a young horse in a car belonging to a cousin of mine, and I often went out in it, so that I got that remuneration.

4173. You were training a young horse?—Yes.

4174. And drove about canvassing?—Yes.

4175. What district?—Dundonald.

4176. Did anybody go with you?—Yes; Mr. Morrow.

4177. Did you canvass this last time alone?—No, Mr. Morrow went with me.

4178. Did you go through the Dundonald district this time?—Yes.

4179. Did you go on foot this time?—No.

4180. Did you drive a horse this time?—No.

4181. Who provided your horse?—The Conservative committee.

4182. How many days were you out in 1878?—I think it was about six.

4183. Not the whole day?—No.

4184. Just an odd time now and then?—Yes.

4185. About the same length of time this time?—Yes, about the same length.

4186. Did you apply this time for the office?—I did not; Captain Harrison requested me; he was the chairman of the Conservative committee.

4187. Was he on the committee in 1878?—No, he was not.

4188. Are you sure about that?—I do not think he was.

4189. Try and recollect; Captain Harrison is one of the largest proprietors there?—I think during the election he was in England.

4190. To whom did you send in your returns in 1878?—I sent in the returns to the committee.

4191. What individual?—Young Mr. McLean.

4192. In this year, 1880, did you send them in to young Mr. McLean too?—Yes.

4193. The same way?—Yes.

4194. I suppose no arrangement was made with you about remuneration this time?—No.

4195. Was any made in 1878 beforehand?—No.

4196. You voted, I think, you told me?—Yes.

4197. You voted, I think, you told me?—Yes.

4198. You voted, I think, you told me?—Yes.

4199. You voted, I think, you told me?—Yes.

4200. You voted, I think, you told me?—Yes.

4201. You voted, I think, you told me?—Yes.

4197. Who paid you in 1878?—I was paid in Mr. McLean's office.

4198. In Belfast or Holywood?—In Holywood.

4199. At his office?—No, one of his clerks paid me.

4200. In his office?—Yes.

4201. Were you told to go to his office?—No; he called himself at my own house.

4202. Was it at your house that he paid you?—Yes.

4203. And nobody was present except himself and you?—No.

Cross-examined by Mr. Morrow.

4204. What position in life do you occupy?—I am a surgeon.

4205. How many days were you out with the horse in 1878?—I think about six days.

4206. And the £. 4 was given for your having taken out the horse?—Yes, for the keep of the horse.

4207. You say that the horse and car were supplied by the committee this time; were they?—Yes, they must have been.

4208. At all events you did not provide a horse and car this time yourself?—No.

4209. You asked for nothing in 1878 for your own services?—No, I did not.

4210. Or for your services this year either?—No.

4211. You did not expect anything, and were not promised anything?—No.

Re-examined by Mr. Foster.

4212. Are you serious in saying you were paid £. 4 for the keep of the horse for six days?—There may be something in that, but that is what I got.

4213. What does the keep of a horse cost in this part of the country?—But I had to keep a man.

4214. Whose horse was it?—A cousin of mine.

4215. Did you give the money over to your cousin?—I did a part of it.

4216. How much?—I gave him about £. 2.

4217. And kept the rest for yourself?—Yes, of course.

4218. Did you apply for payment in 1878?—I did not.

4219. You had your drive over?—Yes.

4220. You were training a young horse?—Yes.

4221. Mr. Morrow.] You engaged a man to drive the horse?—Yes.

4222. And you had to keep the driver as well?—I had.

[The Witness withdrew.

## RICHARD TRIMBLE, sworn; Examined by Mr. Shaw.

R. Trimble.  
—  
31 June  
1886.

4223. You are a voter?—Yes.  
4224. You live near Kilkesh?—Yes.  
4225. And you voted at the last election?—I did.  
4226. Were you employed in any way?—I was canvassing; I was not employed by any person.  
4227. Who spoke to you about canvassing?—No person at all.  
4228. To whom did you speak about canvassing?—I did not speak to anybody.  
4229. You did it entirely upon your own account?—Yes.  
4230. Without communication with anybody?—Yes.  
4231. Where did you get your list?—From the committee-rooms.  
4232. Were they given to you?—I do not remember.  
4233. Where did you return the list to?—I returned it to the committee-rooms again.  
4234. Did you see anybody when you went there, to speak to?—I did.  
4235. Who did you speak to about canvassing?—I saw the committee there now and again.  
4236. Tell us the name of some man who was there?—I saw John Annett, the secretary.  
4237. Did he give you the list?—I do not know whether he handed it me, but I got it from there.  
4238. It was from him you got it?—Yes.  
4239. And to him you made the return?—Yes.  
4240. There was no arrangement about pay?—None whatever.  
4241. No mention was made of pay?—No, none whatever.  
4242. You canvassed in 1878?—Yes.  
4243. And no mention was made then?—No, never.  
4244. Just the same as you did this time?—I just canvassed the same.  
4245. Only that you got money in 1878?—Yes.  
4246. How much?—£. 2. 10 s.  
4247. Who gave you the money in 1878?—Mr. John Annett.  
4248. The same man who employed you this time?—Yes.  
4249. In 1878, when he employed you, he said nothing about money?—No.  
4250. It was with some surprise that you got it?—I do not say that.  
4251. He said nothing of it this time?—No.  
4252. Where did you get this money in 1878?—From Mr. John Annett.  
4253. Where?—In his own house.  
4254. Did he send for you to come in for it?—He did.  
4255. Were there many people along with you?—None but himself.  
4256. None were there when you got it?—No.  
4257. Do you know a man named Sheenan?—Yes.  
4258. Had you any conversation with him about the election?—Not that I remember.  
4259. Did you meet him and have a talk about the election?—Not a great bit.  
4260. What about?—Which of the candidates would win.

4261. Had you no talk about your employment?—I do not remember.  
4262. You do not remember about talking of whether there would be a contest in the county?—Many a time I may have talked of it.  
4263. Did you say that if there was no contest you would lose your pay?—I do not remember anything about it.  
4264. Try?—I do not remember anything about it.  
4265. What is your business?—A farmer on a small scale.  
4266. This small scale of farming does not keep you altogether?—No.  
4267. What is your other occupation?—I hold a situation as an estate bailiff under Lord Kilmurray.  
4268. Do you recollect having a conversation with Sheenan?—I do not.  
4269. Will you swear that you did not say you would lose your pay if there was no contest?—I am certain of it.  
4270. You swear that?—I do.  
4271. You were paid in 1878?—Yes, I got 2 l. 10 s.  
4272. And you never expected any other?—No, I never did.  
4273. At what time in 1878 were you paid?—Some few weeks after the election.  
4274. Will you swear it was two months after the election?—No, I will not swear to anything.  
4275. Was it a fortnight after the election?—I cannot say.  
4276. When was it?—I cannot say; I do not know the time; I do not remember at all.

## Cross-examined by Mr. Macdonagh.

4277. Were you present at any meeting of the committee when Mr. Annett stated that there was to be no payment to canvassers this time?—I did not hear Mr. Annett say that, but I understood it; somebody told me who heard it.  
4278. Were these other persons upon the committee?—Yes.  
4279. Did not you hear that before you undertook to canvass upon this occasion?—I did.  
4280. There was no stipulation for payment to you?—No.  
4281. On the contrary, you understood there was to be no payment?—I did, and I did not expect anything.  
4282. As you understood there was to be no payment, you did not expect any?—No, certainly not.  
4283. And you made no claim for it?—No, and do not intend.  
4284. Was your acting upon that occasion gratuitous?—It was.  
4285. Entirely so?—It was.  
4286. On any former occasion had you the horse and car employed in 1878?—I have a horse and car of my own.  
4287. Did you use them upon that occasion canvassing?—I did, and sometimes travelling on foot.

## Re-examined by Mr. Shaw.

4288. You had no claim in 1878 either, and you did not expect any money?—I did not.  
4289. Tell me the name of the committee-

man

man who said there was to be no payment this time?—I did not say anybody told me that.

4290. And you never heard of it?—I said that I did not hear it myself; I heard it from some others.

4291. Who did you hear it from?—I cannot say, but I understood it to be the case any way.

4292. Cannot you tell us who it was?—I cannot.

4293. Did anybody tell you at all?—I heard it from others that there would be no pay.

4294. You cannot hear a thing without some-

body telling you?—I cannot say who, Mr. Annett did not tell me, I did not hear him say it.

4295. It was some member of the committee?—Yes.

4296. Who was the member of the committee?—I cannot say.

4297. Are you sure it was a member of the committee?—I am sure it was a member of the committee told me; I could not tell what his name is, but I understood it.

[The Witness withdrew.]

SAMUEL WOODS, sworn; Examined by Mr. Porter.

4298. WERE you engaged about the election at Kilked?—No.

[The Witness withdrew.]

EDWARD BELL, sworn; Examined by Mr. Porter.

4299. YOU live in the Newtownbreds district?—Yes.

4300. And you voted at the last election, I believe?—Yes, I did.

4301. Were you employed at the election at all?—I canvassed.

4302. Were you told what district you were to canvass?—At the meeting of the committee I was allotted the district I had.

4303. Who was the chief manager of the district?—The Rev. Mr. Burnside was the conducting agent.

4304. Who else was there?—Mr. Houston was the chairman.

4305. Was Mr. McHugh there?—Yes.

4306. What is he?—I do not know except that he was a member of the committee.

4307. Besides canvassing, were you employed at any other work, had you charge of cars?—Yes, I had charge of cars upon the day of polling.

4308. Had you been concerned in the election of 1878?—Nothing except voting; I voted.

4309. Did you canvass in 1878?—No.

4310. Had you charge of cars in 1878?—No.

4311. No official duty?—Nothing at all.

4312. How many days were you canvassing this last time?—I was two evenings.

4313. Were you alone, or had you company with you?—Just alone.

4314. And was there anything said about pay when you were employed?—Nothing at all.

4315. Or about the rate of pay?—No.

4316. Do you know whether there was any rate arranged about the other canvasses?—I do not; nothing was said about pay at all.

4317. Good, had, or indifferent?—No.

4318. Whether you would be paid or not?—No.

Cross-examined by Mr. Morris.

4319. And of course you did not expect it?—No.

[The Witness withdrew.]

SAMUEL CROSBY, sworn; Examined by Mr. Murphy.

4320. Did you vote at the last election?—Yes.

4321. For Newtownbreds?—Yes.

4322. Did Mr. Burnside employ you as a canvasser?—No, Mr. McHugh asked me to canvass.

4323. Had you canvassed in 1878?—No.

4324. Were you told anything about payment by Mr. Burnside?—No.

4325. Was there no conversation between Mr. Burnside and you as to payment?—No, not about payment.

4326. Not about payment?—No.

4327. Did Mr. Burnside tell you that as secretary he would see you righted?—No, he did not.

4328. Had you any conversation with Mr. Burnside about the election?—Yes, I had.

4329. And about your doing the work?—I had.

4330. And about the work you had done?—I never did any work before.

4331. About the work you did this time in canvassing, did you tell Mr. Burnside how many days you had been out?—I was not one day out. I could not tell him that.

4332. Did you take your horse and car with you?—Yes.

—I did take a horse and car with me; I was just one evening out.

4333. And did you tell Mr. Burnside what you had done?—I told him that I had been out.

4334. Did he say anything about your being paid for the horse and car?—No.

4335. Take care now; did he say anything about payment even for the horse and car?—Not after the election.

4336. Did he before it?—He told me that there would be a pound for every day that the horse would go out on the canvassing.

4337. And you went out on the canvass?—Yes, I went out one evening canvassing.

4338. How long before that evening was it that he told you there would be a pound for every day that the horse went out canvassing with the car?—I think two or three days before it.

4339. And it was part of the evening you went out?—Yes.

4340. Did you tell Mr. Burnside that you would go out when he told you that?—I did not say positively I would go out.

4341. He

S. Croly. 4341. He was asking you to canvass for them?  
—I had been asked before that by Mr. McHugh.

4342. And he asked you again?—Yes.

4343. And told you that you would be paid every day that your horse and car went out canvassing?—Yes.

Cross-examined by Mr. Kisey.

4344. Were you a member of the committee?—No.

4345. Did you attend at any committee meetings?—I attended one evening to give in the return.

4346. And you canvassed part of an evening?—Yes.

[The Witness withdrew.]

THOMAS BROWN, sworn; Examined by Mr. Porter.

T. Brown. 4347. Do you live at Newtownbreda?—Yes.

[The Witness withdrew.]

THOMAS GRAY, sworn; Examined by Mr. Porter.

T. Gray. 4348. Did you vote in the Newtownbreda district?—Yes.

4349. Were you engaged canvassing?—I was.

4350. Did you vote in 1878?—I did.

4351. Did you canvass in 1878?—I did.

4352. Did you canvass the same district in 1878 that you did this last time?—I canvassed more.

4353. Did you receive any payment in 1878?—I never received any payment.

4354. Not in 1878?—No, nor any other time.

4355. Was any arrangement made with you about payment this time?—No.

4356. Do you know Mr. Burnside?—I do.

4357. Was any statement made as to what the canvassers would be paid?—I never heard it named.

[The Witness withdrew.]

WILLIAM JOHN LOGAN, sworn; Examined by Mr. Shaw.

W. J. Logan. 4358. Are you a voter?—Yes.

4359. And did you vote at the last election at Newtownbreda?—Yes.

4360. Were you employed as a canvasser?—Yes.

4361. Who employed you as canvasser?—The committee.

4362. Was it no individual member of it, Mr. Burnside or Mr. McHugh?—No.

4363. You did canvass, I suppose?—Yes.

4364. Was any arrangement made about payment?—None whatever.

4365. Did you canvass in 1878?—No.

4366. Were you a voter in 1878?—No.

[The Witness withdrew.]

JAMES FOSTER MACBRY, sworn; Examined by Mr. Murphy.

J. F. Macbry. 4367. What were you doing for Lord Hill and Lord Castlereagh the day prior to the polling?

—I served some circulars.

4368. Were you a voter?—Yes.

[Mr. Baron Fitzgerald.] Is this still in Newtownbreda?

4369. Mr. Murphy.] Yes. (To the Witness.) And you voted?—Yes.

4370. Who asked you to serve circulars?—I was over one night at a meeting of the committee and I volunteered to do it.

4371. Had you done anything for them in 1878?—Yes.

4372. What?—The same.

4373. Were you paid in 1878?—I was.

4374. How much?—I think 4 l. 10 s.

4375. For doing the same thing?—Part of it.

4376. Doing part of it in 1878?—Doing more.

4377. What did you do in 1878?—I assisted in posting bills.

4378. How long were you assisting in posting bills?—I think half a day.

4379. Did you go through the district this

time distributing circulars?—Yes, part of the district.

4380. Nothing was said about payment?—Not a word.

4381. Not whether you would or would not?—No; I knew I would get nothing.

4382. Because you got it in 1878?—Because I got it in 1878, but I was not a voter then.

4383. Were you on the committee this time?—I was not.

4384. But you went down to the committee and volunteered?—Yes, I went over, as my father was not able to do so.

4385. Were you promised anything in 1878, when you did work?—Yes, and furnished my accounts.

4386. Did you distribute any newspapers that came down there at all?—Some.

4387. Do you recollect a newspaper with an article in it about whether the ballot was secret?—I do not.

4388. Did you look at any newspaper?—Not much; I looked at some of them. I had papers that I distributed with a report of the meeting at Lisburn.

4389. Were you distributing newspapers upon several

several occasions?—I think it was the "Observer;" I am not sure.

4390. The "Ulster Observer"?—Yes, or the "Telegraph"; some of the little ones.

4391. With a report of the meeting in Lisburn?—Yes.

4392. But nothing about the ballot in it?—Not that I know of. I did not read much of it.

4393. There were several papers given to you during that time?—I do not know that there were many. I do not think that many came to Newtownaheda.

4394. Who used to give you the papers?—I got them in the committee-room from a man named Thompson.

4395. He gave them to you to distribute?—Yes.

4396. Was Mr. Thompson acting as secretary?—Yes.

4397. And the parcels used to come down from Belfast and be given to you to distribute?—Yes.

4398. Were there several others distributing?—There was.

Cross-examined by Mr. Macdonagh.

4399. Did not you know that if you were paid you ought not to vote?—I did.

4400. And accordingly you volunteered to do the work?—Yes, because nobody could be got who knew the district. I said I would give them a day or two; as I was not canvassing I thought it was as little as I could do for the cause.

4401. Were you attached to that cause in feeling?—Yes.

4402. And in 1878 you were promised to be paid, and you furnished your account to the expense agent?—Yes.

4403. And you were paid?—Yes.

4404. And you were not paid more than you were entitled to?—No, I do not think so; I thought I was paid rather little.

Re-examined by Mr. Murphy.

4405. Considering how attached you were to the cause?—Yes.

[The Witness withdrew.]

ALLEN M'ILLVEEN, sworn; Examined by Mr. Porter.

4406. WERE you a voter at the last election?—Yes.

4407. And voted?—Yes.

4408. Did you furnish any account?—No.

4409. Did you make any demand for payment after the election for anything?—No.

4410. Or before it?—No.

4411. Had you worked at the election of 1878?—Yes, I did.

4412. What were you doing in the 1878 election?—I canvassed.

4413. What did they pay you then?—Nothing at all.

4414. I was had treatment?—I was not expecting anything.

4415. Have you a son?—Yes.

4416. Did he do any work?—No work.

4417. Did he do any at the last election?—No, not any.

4418. Or give in any account?—No.

4419. And you were paid nothing?—No.

[The Witness withdrew.]

ANDREW STEPHENSON, sworn; Examined by Mr. Murphy.

4420. WERE you canvassing for Lord Hill and Lord Castlereagh at the last election?—Yes; I was sent out by Mr. Watson, Mr. Batt's agent.

4421. Were you sent out in the last election?—Yes.

4422. What were you paid for canvassing in 1878?—I was paid nothing.

4423. By any person?—No.

4424. Did you give in any account in 1878?—I was paid nothing by any party.

4425. Nothing since the election?—No.

4426. Not even a present?—No.

4427. Who asked you to canvass this time?—Mr. Watson, Mr. Batt's agent.

4428. You held some position under Mr. Watson; you are bailiff of the estate?—Yes.

4429. Were you at Newtownaheda on the day of the polling?—I was.

4430. And saw the tenants coming in?—Yes.

4431. Was Mr. Watson there?—He was not.

4432. Who was there representing Mr. Batt?—Mr. Batt was present himself.

4433. Was he in the booth?—He might be, but not in my presence.

4434. Did you see him at the polling station?—Yes, I spoke to him myself.

4435. A good many of the tenants upon Mr. Batt's property are voters?—Yes.

4436. It is a good large property?—It is.

280—Sess. 2.

4437. About how many voters are there upon it?—I cannot say.

4438. A couple of hundred?—No.

4439. About 150?—No; I do not think there are so many.

4440. How many; cannot you say to four or five?—I cannot.

4441. How many over 100?—I would not say that there are 100 on the estate, not in the Pierdysburn estate.

4442. Has he another estate in the same district?—Yes.

4443. Did you canvass both of the estates?—No.

4444. Which is the larger estate?—Newry estate is the largest.

4445. Who canvassed the Newry estate?—I could not say that at all.

4446. You do not know anything of it?—No.

4447. Did you report the result of the canvassing to Mr. Batt?—No; I was only a canvasser to go out to let his tenantry know what he wished.

4448. Did you tell what the tenants said to Mr. Watson or Mr. Batt?—There was no party told me anything.

4449. Were you talking about the ballot when you were out?—I had nothing to do with it.

O 2 4450. Did

J.F. Macarty,  
23 June  
1880.

A. M'Neece.

A.  
Stephenson.

A. 4460. Did the tenants talk to you as to  
*Seymour.* whether the landlord would know how they  
 21 June voted?—No.  
 1880.

Re-examined by Mr. Kirby.

4461. I suppose Mr. Batt votes in the New-  
 townbreeda district?—Yes.

4462. Therefore he was there?—Yes.

4463. How from Newry is it to Newtown-  
 breeda?—I suppose it is upwards of 20 miles.

4464. They are not in the same district?—No.

4465. Mr. Murphy does not know the geo-  
 graphy of the district; where were you served  
 with the subpoena to come here?—I was served  
 on the Sabbath evening.

4466. Where were you?—In my own house.

[The Witness withdrew.]

HENRY McHUGH, sworn; Examined by Mr. Porter.

H. A'Boyle. 4467. YOU are a bailiff on the Downshire  
 ——— estate?—I am estate bailiff.

4468. In what place is your headquarters?—  
 Hillsborough.

4469. Were you at Newtownbreeda during the  
 time preceding the election?—I was.

4460. Do you live there?—No.

4461. Had you charge of that district?—I had  
 not.

4462. In what way were you acting; did you  
 attend the committee meetings?—I did.

4463. What else did you do?—I was persona-  
 tion agent on the day of the polling.

4464. What other personation agents were  
 there on behalf of Lord Castlereagh?—I think  
 Mr. Blackiston was one.

4465. Anybody else?—I think Mr. Dwyer  
 was.

4466. Where does he live?—Close to Droonga.

4467. Is he a magistrate?—Yes.

4468. Was Sir Thomas Batson there?—Not  
 that I saw.

4469. Was he in the booth?—I saw him go in,  
 recording his vote.

4470. Were you inside the booth during the  
 day?—I was.

4471. The entire day?—Yes.

4472. Were you in an orn?—Yes.

4473. Did you see whether Sir Thomas Batson  
 stayed there?—He did not. Dr. Orr was per-  
 sonation agent.

4474. Was Mr. Finnegan one of the persona-  
 tion agents?—He was.

4475. Is that the brother of Mr. Finnegan the  
 conducting agent?—I do not know.

4476. Was Mr. Burnsides personation agent  
 also?—I do not know.

4477. Did you see him there actively engaged?  
 —Mr. Montgomery was for Mr. Crawford.

4478. Did you engage the cars and canvassers  
 for that district?—I did not.

4479. Did you engage any of them?—I did.

4480. Can you tell me any one who engaged  
 as many as yourself?—I do not know; I only  
 engaged, I think, four carmen from Belfast.

4481. Did you engage canvassers?—I never  
 engaged canvassers.

4482. Did you instruct canvassers?—I asked  
 them would they canvass.

4483. And they said they would?—Yes.

4484. That is not engaging them?—Certainly  
 not.

4485. Did you tell them where they were to  
 go to canvass?—The committee told them, not  
 me.

4486. Was it in your presence?—Yes.

4487. You were at the committee meeting?—  
 Yes.

4488. You were one of the committee your-  
 self?—Yes.

4489. Did you make any arrangement as to  
 how they were to be paid?—Certainly not;  
 payment was never named.

4490. Did you pay anybody with reference  
 to the election?—The expense agent asked me  
 to pay some districts, and I gave him a cheque  
 for the money.

4491. From whom?—The carmen of Bally-  
 macrath sub-district.

4492. Are they the only persons you paid?—  
 Yes; the carmen for the district of Newtown-  
 breeda.

4493. That is in two districts in which you  
 paid carmen?—Yes.

4494. Did any other money pass through your  
 hands in reference to the election but that?—  
 No.

4495. How much was there in these two?—  
 I have no recollection.

4496. Can you say how much money you  
 paid?—I cannot; the carmen were paid a pound  
 for the day previous to the day of polling.

4497. I want to know how much?—I cannot say.

4498. To whom did you return the payment?  
 —I returned the vouchers to the expense agent.

4499. Were you acting in the election of 1878?  
 —I was.

4500. Did you receive any remuneration in  
 reference to that election?—I did.

4501. Did you in reference to this last elec-  
 tion?—No.

4502. Did you vote in 1878?—I did.

4503. What remuneration did you receive  
 then?—I cannot recollect, but it was for our  
 hire; I had my own horse employed for over 20  
 days.

4504. How much money did you receive in  
 1878?—I have not the slightest recollection.

4505. Did you receive a pound?—I did.

4506. Did you receive 20 l.?—I cannot say.

4507. On your oath?—I cannot say upon my  
 oath.

4508. Were you engaged a good many days  
 the last time?—I was, but I canvassed volun-  
 tarily; I was told by Mr. Horne, before I began  
 to canvass, that I would not be paid, and what  
 I did I did gratuitously; and I would do the  
 same thing to-morrow.

4509. You acted as personation agent?—Yes.

4510. With many other respectable persons?—  
 Yes.

4511. And in acting as personation agent you  
 gave your services gratuitously?—Yes, undoubt-  
 edly.

4512. Do you remember what personation  
 agents there were in the booth for Mr. Crawford?

—Dr. Orr, Mr. Montgomery, and Mr. Moreton.

4513. Mr. Montgomery is a highly respectable  
 gentleman?—Yes.

4514. Has he landed property?—I think he  
 has

has land; he is a clergyman. Both Dr. Orr and Mr. Moreton did their best for Mr. Crawford.

4515. And they had a right to do so. Were there any other personation agents for Mr. Crawford?—Not that I am aware of; there may have been.

4516. You had your horse and cart engaged in 1878 for about 20 days?—I believe I was more than 20 days; I think I was 26 days canvassing this time.

4517. They are charged nothing this time?—Certainly not; I am prepared to do the same thing to-morrow.

Re-examined by Mr. Porter.

4518. How many tenants are there upon the estate of the highly respectable gentleman, Mr. Montgomery?—I do not know.

H. M<sup>r</sup> Hagk.  
21 June  
1880.

4519. Has he one?—I do not know.

4520. Has he a tenant?—I cannot say indeed.

4521. Is it not a cabbage garden?—I cannot say.

[The Witness withdrew.

AARON CLELLAND, sworn; Examined by Mr. Stow.

4522. WHERE do you live?—The Florida district.

4523. Did you vote at the last election?—Yes.

4524. And you were also employed as a canvasser?—Yes.

4525. And you did canvass?—Yes.

4526. Who employed you?—Mr. Lowry.

4527. He was the local conducting agent for Lord Hill and Lord Castlereagh?—I think so.

4528. Did you make any arrangement about your payment?—No, there was nothing said about it.

A. Clelland.

4529. You were a canvasser in 1878?—No.

4530. And I suppose you got no money since?—I received none.

4531. And would not take any?—No.

4532. Are you sure you would not take it?—I do not want any.

[The Witness withdrew.

HUGH GIBSON, sworn; Examined by Mr. Murphy.

4533. WERE you canvassing in 1878 at all?—No.

4534. Did you vote in 1878?—Yes.

4535. Were you canvassing this time?—Yes.

4536. Who asked you to canvass?—The committee appointed me, Mr. Lowry.

4537. Were they appointing the other canvassers at the same time?—Yes.

4538. They appointed you altogether, then?—Yes.

4539. A good bunch of you?—Yes.

4540. Was anything said as to what you would be allowed for your car, and so forth?—Nothing was said about it.

4541. Were you to take cars with you canvassing?—Yes, there was a car allowed.

4542. What was to be allowed for the car?—It was not mentioned.

4543. But every canvasser was allowed to take a car?—Every two canvassers got a car.

4544. And was it their own car they were to take?—No, they were to be hired cars.

4545. If a canvasser had a car of his own, did he take his own car?—I had no car.

4546. Had the other man who was with you, the second canvasser?—He had no car.

4547. Where did you get a car?—William John McGare, he supplied the car.

4548. Did he go about with you canvassing?—Yes.

H. Gibson.

4549. Did you deliver any newspapers as you went about?—No.

4550. Were you in the booth on the polling day except to vote yourself?—I was in the booth when I voted.

4551. Were you there at all as personation agent?—I was not.

4552. Did you see who were the gentlemen in the booth?—No; I was in bad health before the polling day, and was scarcely able to go on the day of the poll.

4553. Who is your landlord?—Lord Londonderry.

4554. Did you see who was in the booth?—No; I did not see who was there, I was so bad.

4555. Was it the canvassing that knocked you up?—No.

Cross-examined by Mr. Menzies.

4556. You say that a good number of you were appointed to canvass?—Yes.

4557. Is that farmers?—Yes.

4558. Were you all acting voluntarily?—Yes, I heard no mention of the money in any case.

[The Witness withdrew.

JOHN HARR, sworn; Examined by Mr. Porter.

4559. WERE you a canvasser at the last election?—Yes.

4560. And you had been a canvasser in 1878?—Yes.

4561. In the Florida district both times?—Yes.

4562. And you voted both times?—Yes.

4563. What were you paid in 1878?—Ten shillings.

260—Sess. 2

4564. Is that 10 s. a day?—Part of a day.

4565. Did you do more or less work this time than you did in 1878?—I did most this time.

4566. Do you remember any meeting of the canvassers in Florida about their pay in 1880?—No.

4567. Did you hear any of them grumbling or expressing dissatisfaction at not being paid?—No.

4568. Was

J. Harr.

O 3

4568. Was

*J. Hare.*  
21 June  
1880.

4568. Was any complaint made about it?—  
No.  
4569. Was anything said about payment?—  
No.  
4570. Who gave you the papers to canvass,  
and gave you your instructions for canvassing?  
—Mr. Lowry.  
4571. Was he acting in 1876 too?—Yes.  
4572. In charge of the canvassers?—Yes.  
4573. Was anything said about payment?—  
Nothing.  
4574. Who paid you in 1878?—It was Michael  
Rath.  
4575. Who is he?—A farmer.  
4576. Did he pay you by yourself, or was any-  
body with you?—By myself.  
4577. Did he tell you what it was for?—I  
asked him what it was for, and he did not say.  
4578. How did you know it was for canvassing?  
—I asked him what it was, and he said it was for  
that.  
4579. Were you on the committee?—Yes.  
4580. Was he?—No.  
4581. How came you to get it from Michael  
Rath?—I was up paying my rent, and saw him  
there.  
4582. Was he in the rent office?—Yes.  
4583. Was he a clerk in the rent office, or was  
he there paying his own rent?—I suppose he was  
paying his own rent.  
4584. And he gave you 10 s.?—Yes.  
4585. Did he say who gave it to you?—No.  
4586. Did you ask him?—No.  
4587. Why did not you?—I did not.  
4588. What rent office was it?—Mr. Gordon's.  
4589. Of Florida?—Yes.  
4590. Did it strike you as strange that he was  
giving 10 s.?—I asked him what it was for, and  
he said he did not know, unless it was for that.  
4591. Did he tell you who gave it to him?—  
No.  
4592. Did he say where he got it?—No.  
4593. He said he did not know what it was for,  
if it was not for that?—Yes.  
4594. For what?—For canvassing.  
4595. Had you been spoken to about money  
before in 1876?—No.  
4596. And you canvassed and got the 10 s.  
from Michael Rath?—Yes.  
4597. And you cannot tell how he got the  
money?—No.  
4598. Did he take you apart?—It was outside  
the office.  
4599. Did he say, "Come here with me"?—  
He said, "Come here."  
4600. Nobody was with him but you?—No.  
4601. How long was it after the election?—A  
month or six weeks.  
4602. Or more?—It might be about that, or  
it might be more, or it might be less.  
4603. Had Michael Rath anything to do about  
the election?—No.  
4604. Was he canvassing in 1878?—No.  
4605. Is he a farmer?—Yes.  
4606. Is he a bailiff?—Yes.  
4607. On Mr. Gordon's estate?—Yes.  
4608. Was it in Mr. Gordon's office that you  
paid the rent?—Yes.  
4609. And he took you outside the office and  
gave you 10 s.?—I was coming away, and he gave  
it to me in the yard.  
4610. Was he in the office when you were  
paying the rent?—Yes.  
4611. Did he follow you out?—Yes.

4612. And gave you 10 s.?—Yes.  
4613. I suppose there was nothing said to you  
in 1880 about payment in the first instance?—  
Nothing.  
4614. But you were told to go and canvass,  
and you did it?—Yes.  
4615. How many days were you out this time?  
—I was out three days.  
4616. Have you seen Michael Rath since the  
Election?—No.  
4617. Mr. Justice Barry.] Who told you to  
go canvassing at the last election?—Mr. Lowry.  
4618. Mr. Porter.] He was acting as local  
agent?—Yes.  
4619. He was the same gentleman who em-  
ployed you in 1878?—It may be Major Barry.  
4620. Did not you swear that this Mr. Lowry  
appointed you in 1878?—No.  
4621. It was Major Barry?—Yes.  
4622. Was Major Barry acting as local agent  
in 1878?—Yes.  
4623. Doing what Mr. Lowry was doing this  
last time?—Yes.  
4624. Did you know any of the other can-  
vassers this time?—Yes, some of them.  
4625. Could you tell me any of them that  
were not voters?—I could not.  
4626. As far as you know, were every one of  
them voters?—Yes.  
4627. Did you see any of the others getting  
10 s., or any money?—No.  
4628. Did you hear of it?—I did not.  
4629. Did you speak about your 10 s. to any-  
body?—No.  
4630. Michael Rath followed you in by your-  
self?—Yes.

Cross-examined by Mr. Maedonagh.

4631. When you were canvassing in 1876,  
when you got the 10 s., how long did you can-  
vass; was it part of a day?—Yes.  
4632. On the present occasion did you not  
give your services as a canvasser voluntarily,  
and without payment, on this occasion, in 1880?  
Yes, I was expecting no payment; the payment  
never was mentioned.  
4633. Did not you hear that it was expressly  
determined upon this occasion, in 1880, that no  
payment was to be made for canvassing?—I  
heard no payment spoken of.  
4634. Did you ever hear it stated what I have  
mentioned to you?—I did not.  
4635. There was no engagement for payment  
upon this occasion?—No.  
4636. No manner of stipulation that you were  
to be paid?—No.  
4637. Did you send in any account?—No.  
4638. Where does Mr. Lowry live; is he a  
gentleman of property?—Yes.  
4639. You were not employed in any way  
whatever except as canvassing upon this occa-  
sion?—No.  
4640. What townlands did you canvass?—Six  
or seven.  
4641. On this occasion, in 1880?—Yes.  
4642. Is it not a fact that you do not expect  
any payment?—I do not expect any payment.  
4643. And you were not promised any?—  
No.

Re-examined by Mr. Murphy.

4644. You were asked whether Mr. Lowry is  
a gentleman of property; it is Mr. John Lowry,  
of Close Park, Colonsay?—Yes.

4645. He



4645. He appears as personation agent at Florida?—Yes.  
 4646. You expected no payment in 1878?—No, I did not.

4647. Mr. Justice Barry.] Did Mr. Lowry go to you, or you go to him, upon this last election, to ask you to canvass?—It was at a meeting.

[The Witness withdrew.

J. Barr.  
 —  
 21 June  
 1880.

GEORGE MACGEE, sworn: Examined by Mr. Murphy.

4648. You voted in the Florida district?—Yes.

4649. Did you canvass at the election in 1878?—Yes.

4650. What were you paid for the work you did in 1878?—I was paid nothing, but I was paid for the cars; I did not get it for voting.

4651. How much were you paid in 1878?—£. 10.

4652. Was it your own car?—Yes.

4653. Did you go canvassing then?—Yes.

4654. And you were paid 10 £.?—Yes, my car was engaged.

4655. How long were you canvassing this time?—Part of four days.

4656. How many days did you canvass at the last election, in 1878?—I could not say; the car was engaged from the first till the last.

4657. How many days were you out on it?—I could not exactly say.

4658. Nor could you say how many days the car was out?—I could not.

4659. You kept no account of the number of days?—No.

4660. You got the 10 £. in a lump?—Yes.

4661. Did you send in an account?—Yes.

4662. Demanding 10 £. for the canvassing and for the car?—Yes.

4663. Mr. Justice Barry. Did you demand more than 10 £., or only 10 £.?—Just 10 £. It was from the first commencing of the canvassing till the last.

4664. Mr. Murphy.] Who paid you the 10 £. the last time?—I got a cheque from Mr. Lowry.

4665. Did he employ you?—Yes.

4666. To canvass for them?—Yes.

4667. How soon after the election did you get the cheque?—I kept no account what length of time it was.

4668. A couple of months about?—I could not exactly say; I took no notice.

4669. Did Mr. Lowry employ you this time?—No.

4670. Who was it?—It was at the Florida district by the committee.

4671. Who was the person employed you?—Mr. Lowry.

4672. Was it the same man?—No; a cousin of this Mr. Lowry.

4673. Another Mr. Lowry?—Yes.

4674. He is a relative of the other gentleman who employed you the time before?—He was not engaged the other time, I think.

4675. What did he say to you as to where you were to canvass this time?—He did give me a list of where to canvass.

4676. Did you take your car out canvassing? G. MacGee.  
 —My son drove me on the car.

4677. But you were not to be paid anything this time, were you?—Yes, for the car; it was to save them going to Belfast to hire a car.

4678. How much were you to be paid this time?—£. 1 a day.

4679. How many days were you out?—Part of four.

4680. How many days were you out in 1878, when you got the 10 £.?—I cannot exactly say.

4681. Did you send in your bill this time?—Yes; the cars were paid.

4682. How much were you paid?—A pound a day.

4683. But the payment was not as good this time as it was in 1878?—There was not such a length of time taken.

4684. Do you remember the bill you sent in in 1878?—I do.

4685. I ask you, on your oath, did not you send in an account for canvassing?—Yes.

4686. You sent in your account for canvassing in 1878?—Yes, for the car.

4687. Did you send in your account solely for the car; did not you send in that account for canvassing, and also for the car?—Yes.

4688. What was the bill you sent in this time?—£. 4.

4689. For the use of the car?—Yes.

4690. Did you say anything about the canvassing this time?—No.

4691. You said nothing about it?—No.

4692. And you were paid for the car this time?—My son was paid for it.

4693. You voted, of course, at the election?—His name was down for the car.

4694. Was it in your son's name that the bill was sent in?—Yes.

4695. Was it in your son's name that the bill was sent in in 1878?—It was not.

4696. It was in your own name, for the canvassing and the car?—Yes.

4697. You voted, of course, this time?—Yes.

Cross-examined by Mr. Moore.

4698. Having sent in the account in 1878 for your services as canvasser, did you vote in 1878?—No.

4699. Having claimed and got something for your own services as canvasser, you did not vote in 1878?—No.

4700. You did vote in 1880?—Yes.

4701. You knew that a person who was a paid agent could not vote?—Yes.

[The Witness withdrew.

THOMAS CAIR, sworn: Examined by Mr. Potter.

4702. You are a voter in the Florida district?—Yes.

4703. And you recorded your vote this last time?—Yes.

260—Sess. 2.

4704. Were you engaged about the election in any way, doing any work?—I was not engaged.

4705. Without being engaged, did you do any work?—Yes.

O 4

4706. What

T. Carr.

T. Carr,  
21 June  
1880.

4706. What as?—I was out serving some circulars and some letters.

4707. You were busy serving circulars and letters?—Yes.

4708. Did you canvass?—Yes.

4709. How long were you employed?—I was not employed for any length of time.

4710. Was it any particular length of time?—No.

4711. How long were you busy at it?—I might be four or five afternoons.

4712. Who told you what to do; who gave you the letters and circulars to serve?—I got a list from the committee at Florida.

4713. Were you on the committee?—No.

4714. Who gave them to you?—I cannot say particularly.

4715. Do you know Mr. Lowry?—Yes.

4716. Was he there when you got them?—He was.

4717. Who told you to canvass; you were asked by whom?—I could not say which man asked me.

4718. I suppose somebody asked you?—Yes.

4719. Did you go to be asked?—I did not.

4720. How came you to be at the committee-place?—I went to Florida along with a friend, and I was asked if I would go out.

4721. You went out to Florida along with a friend; who is the friend?—There was more than me going down.

4722. Going down; what to do?—To make arrangements, I suppose, about the canvass.

4723. Were you called into the committee, or did you go in?—I went into the house.

4724. Was Mr. Lowry there?—Yes.

4725. Was it arranged that you should canvass?—Yes.

4726. And did you get a list?—Yes.

4727. Was it your first hand at electioneering, or had you been busy in 1878?—No, I had not.

4728. This was your first time?—Yes.

4729. Did anybody go along with you?—Another man, named Carre.

4730. Has he no vote?—No.

4731. Was he employed?—Yes.

4732. What was he doing?—The same as I was doing.

4733. Did he go with you?—Sometimes; not much.

4734. Did you send in your returns?—I took in my returns.

4735. Was anything said about how you were to be paid?—There was not.

4736. Nor about sending in your account?—No.

4737. By nobody?—No.

4738. Have you heard of people being paid in 1878?—I have not.

4739. You never heard of it?—I do not bother my head with anything of the like.

4740. What is your business?—A farmer.

4741. You were not working at all about the election of 1878?—No.

4742. Did you vote in 1878?—I did not.

4743. Was Carre working in 1878 about the election?—I could not say.

4744. Did he tell you?—He did not, and I did not ask him.

4745. Did he say whether he was paid?—No, he did not say anything to me about being paid.

Cross-examined by Mr. Kiseby.

4746. Did you volunteer to do work?—I did so.

4747. Without any expectation of payment?—Yes.

4748. Or any promise of payment whatever?—No promise of payment was made to me at all.

4749. You simply acted as a volunteer?—Yes.

[The Witness withdrew.]

DAVID MOOREHEAD, sworn; Examined by Mr. Shaw.

D.  
Moorehead.  
—

4750. WERE you a canvasser at the last election?—Yes.

4751. Were you canvassing in 1878 too?—Yes.

4752. What did you get in 1878?—I got nothing.

4753. You were not paid in 1878?—No, I did not receive money nor was promised.

4754. You got no present at all?—No.

4755. And I suppose you were not paid this time?—No.

4756. Who appointed you?—Mr. Lowry.

4757. Did he speak about money at all?—No.

4758. And you did not expect any?—No.

4759. Did Mr. Lowry employ you in 1878?—I do not remember.

Cross-examined by Mr. Maedevack.

4760. At all events, you received no money in 1878?—No.

4761. And you were promised none upon this occasion?—No.

4762. You volunteered your services?—Yes; I thought it was as little as I could do for my landlord.

[The Witness withdrew.]

JOHN LOWRY, sworn; Examined by Mr. Murphy.

J. Lowry.  
—

4763. You were conducting agent for Lord Hill and Lord Castlereagh in the Florida district?—Yes, I acted as chairman of the committee.

4764. Did you act in any capacity in the election of 1878, giving your assistance for Lord Castlereagh at that time?—Yes, I believe I did.

4765. Are you agent over any estate or large property in the district?—No, I am not.

4766. This last election?—Yes, I had my appointment as such.

4767. Did you act as personation agent?—I cannot say that I did; I was present for a short time.

4768. As a mere matter of form, you took the appointment?—Yes.

4769. Are you agent over any estate or large property in the district?—No, I am not.

4770. There

4770. There is another Mr. Lowry in the district, is there not?—Yes, there is.

4771. Is he a relative of yours?—He is a cousin of mine.

4772. Was he a personation agent too in that day?—He was.

4773. Just like yourself, merely in and out a bit?—I suppose so.

4774. Has he property in the district?—Yes, I believe he has.

4775. Do you mean by "you believe" that you are pretty certain he has?—I am not perfectly certain what property he has.

4776. I do not ask the extent of it, but that he has property there?—I believe he has.

4777. Who were the other personation agents there upon that day?—Were there any other gentlemen of your position and his?—On the other side there was the Rev. Mr. Maguire.

4778. Who were the others upon one side, first, who were the others upon your side, Mr. Robert Burgess?—Yes, he was hostess agent.

4779. Of Ballygowan?—Yes.

4780. Do you recollect any others who were agents there?—Michael Rath was personation agent.

4781. You were head of the committee, and were as active as you could be for Lord Hill and Lord Castlereagh?—And at the meetings.

4782. Did the parcels come down directed to you?—No.

4783. To whom were they directed; any papers that came down?—I am not aware indeed.

4784. Did you see any newspapers that came down there for distribution?—I did not.

4785. You did not see any?—None.

4786. And you had no communication at all in reference to any newspapers?—None whatever.

4787. Or circulars?—No, I think not.

4788. Who had charge of that department, sending out the literature?—I think there was very little sent out from our district. Bills were posted.

4789. Do you recollect being at a meeting when the arrangement was made for canvassers?—Yes.

4790. Was that the 17th of March?—I do not remember the date, but I remember the meeting.

4791. It was a good time before the election?—It was a fortnight, I suppose.

4792. Was it then announced the arrangements that were made for canvassers?—Yes, I assisted to make the arrangements.

4793. Did you say anything about payment?—Not one word.

4794. Was it through you that payment had been made after the election of 1878?—No, there was no payment through me.

4795. Were you aware that payments had been made in 1878 for the canvassers?—No, I was not aware of it.

4796. Did not you know it from your cousin, Mr. Lowry?—I may have heard rumours, but I did not hear distinctly of any payment.

4797. You heard rumours that payments were made in 1878?—I dare say I heard rumours, but I cannot say of my own knowledge.

4798. At this meeting were canvassers selected?—Yes, they were.

4799. Was it you who selected them?—Yes, I selected them.

4800. And you said nothing whatsoever about payment?—No; I asked some parties to volunteer to canvass.

4801. What did you say?—I asked whether there were any parties present who would volunteer to canvass the district, and I asked them to come forward.

4802. Did you say anything about payment?—Not a word about payment.

4803. Whether they would or would not be paid?—I said nothing about payment.

4804. I suppose you had a good gathering of volunteers for canvassing, had you?—There was a little difficulty, but we succeeded in getting the parties.

4805. Were you the person who selected the canvassers in 1878?—No.

4806. Were you at the meeting when they were chosen in 1878?—I do not think I was.

4807. Had not you engaged several canvassers in 1878?—I do not think I did.

4808. Do you mean to say that you engaged none of them?—I do not recollect engaging a single person in 1878.

4809. Was your cousin, Mr. Lowry, at the meeting this last time when the proposition was made about the canvassers?—I am not quite certain; I say that he was at the meeting, but I do not know if he was present at that time.

4810. Was it at the first or second meeting of the committee that they were chosen?—The first meeting.

4811. Who acted as secretary to the committee?—Really, I cannot say.

4812. You cannot say whether any one acted as secretary?—No.

4813. You had heard, I suppose, at this time about this question that was agitated in the country about whether the ballot was secret or not?—Yes, I had.

4814. And had seen the article in the papers?—Yes, I had seen that article.

4815. Did you see any copies of that paper in the committee-room?—I did not.

4816. You did not see any papers sent down there?—I did not.

4817. About how far from Belfast is the Florida district?—About 10 miles, I think.

Cross-examined by Mr. Massee.

4818. I suppose there were a number of respectable gentlemen acting on both sides, and working and canvassing for the respective candidates?—There were.

4819. And you were acting on behalf of Lord Hill and Castlereagh?—Yes.

4820. And other gentlemen of position were doing the same?—Yes.

4821. Were there a number of clergymen and others acting for Major Crawford?—Yes.

4822. And there were farmers canvassing for Mr. Crawford?—Yes.

4823. You were acting gratuitously?—Perfectly.

4824. Were all the other canvassers acting gratuitously, as far as you know?—So far as I know, they were.

4825. Was it always understood that they were acting gratuitously?—I never made any mention of it.

4826. These persons came forward and said they would canvass voluntarily?—Yes.

4827. And you never said a word about being paid?—Not a word about being paid.

[The Witness withdrew.]

## ROBERT LONSDALE, sworn; Examined by Mr. Porter.

- R. Lonsdale.  
51 Just  
1880.
4828. Did you vote in the Moira district?—  
Yes.  
4829. And in 1875 also?—Yes.  
4830. Were you a canvasser?—Yes.  
4831. At both elections?—Both.  
4832. Were you a canvasser before that, in  
1874?—No.  
4833. Were you a member of the committee?  
—Yes.  
4834. Who was it employed the canvassers,  
and assigned to them their duties?—Mr. Douie.  
4835. Is he the agent for Sir Thomas Bateson?  
—Yes.  
4836. Sir Thomas Bateson is a very large land  
proprietor in that district?—Yes.  
4837. Mr. Douie was also personation agent?  
—I did not know that.  
4838. Were you paid for your services in  
1878?—I was not.  
4839. Did you receive any money in connection  
with the election in 1878?—Yes.  
4840. How much?—I think it was 2*l.* for car  
hire.  
4841. Had you been canvassing?—Yes; I  
was canvassing.  
4842. How many days were you canvassing in  
1878?—I think, three days.  
4843. Did you send in your account?—I did.  
4844. Were the other canvassers all paid in  
1878?—I do not know.  
4845. You were committee-man?—I was not  
paid for canvassing.  
4846. Did any one go with you canvassing in  
1878?—Yes.  
4847. Who?—James Baxter.  
4848. Is he a farmer?—Yes.  
4849. And a voter?—Yes.  
4850. Were you engaged three whole days in  
1878?—Nearly; we had six townlands to can-  
vass.  
4851. What was James Baxter paid?—I think  
he was not paid.  
4852. In the last election, in 1880, did he go  
with you?—He did not.  
4853. Did you canvass the same district?—  
No, only one townland.  
4854. Were you alone in that?—I was not.  
4855. How long were you employed at that  
work?—Three or four hours.

4856. Who told you to canvass it?—Mr.  
Douie.  
4857. Did he say anything about payment?—  
Nothing.  
4858. Or anything about payment in 1878,  
when he engaged you?—Nothing.  
4859. Who paid you in 1878?—No one paid  
me for canvassing.  
4860. Who paid you 2*l.*?—A man of the name  
of Moreland gave it to my son.  
4861. When?—Some time after the election  
was over.  
4862. Can you say how many months after?—  
I cannot.  
4863. Did you send in an account for it?—I  
did.  
4864. Who is Mr. Moreland?—I do not know.  
4865. Is he a bailiff?—I do not know.  
4866. You do not know the man at all?—I  
only saw him once; I understood he lived at  
Dromore.  
4867. In 1878 was it your own car that you  
had?—Yes.  
4868. You drove yourself about?—I could not  
drive.  
4869. You have not been paid anything?—I  
did not expect anything this time.

## Cross-examined by Mr. Kelsey.

4870. You were a member of the committee  
yourself this time?—Yes.  
4871. Did Mr. Douie act as chairman of the  
committee?—Yes.  
4872. Were you present at meetings?—Three  
or four.  
4873. Did you hear Mr. Douie make any  
statement about cars, and canvassing with them?  
—Yes.  
4874. What did he say?—He said they could  
not be paid.  
4875. Even for cars?—Even for cars.  
4876. And after that you took this townland  
to canvass?—Yes.  
4877. Knowing well that you would not be  
paid?—Knowing that I would not be paid, and  
never thought I would be paid.

[The Witness withdrew.]

## MATTHEW WYLLIE, sworn; Examined by Mr. Murphy.

- M. Wyllie.
4878. You have acted, I believe, as agent for  
the Liberal Association in County Down?—I  
have.  
4879. And I believe you have been agent to  
the Association?—The Ulster Liberal Associa-  
tion, not the County Down association.  
4880. Where have you acted?—In the Belfast  
offices.  
4881. You know a good deal about County  
Down, and how the properties are held here?—  
—Yes, I have examined them all in the Blue  
Book.  
4882. You know who are the owners of the  
largest estates in the county; we know they are  
the Marquis of Downshire and the Marquis of

- Londonderry?—Yes, and they were selected out  
by my directions; the Marquis of Downshire's  
trustees are the largest proprietors.  
4883. And the Londonderry estate is the next  
largest?—Yes; I believe Lord Annesley's is  
larger in extent, but Lord Londonderry's is con-  
sidered the larger in value, according to the Gov-  
ernment valuation.  
4884. Then there is Sir Thomas Bateson's  
estate; he has a very large one in the county?—  
Yes.  
4885. Was this list prepared under your direc-  
tions (Handing a paper to the Witness)?—  
4886. Mr. Moore.] Did you prepare that  
yourself?—I did not prepare it personally.  
4887. Mr.

*M. Hyatt.*  
—  
25 June  
1890.

4887. Mr. Murphy.] Was it prepared under your directions?—These are all the owners over 4,000 acres published in 1876 in the Blue Books.

4888. Sir Thomas Bateson's property is one of the largest in extent in the county?—It is.

4889. And who is his agent?—Mr. Douie.

4890. Colonel Ford is a gentleman who had represented this county for a considerable time?—Yes, he did; his estate is 19,882 acres.

4891. Where is his estate chiefly?—Sanford.

4892. It is all in Sanderde, is it?—I could not say.

4893. Who acted as his agent; we have heard Mr. Alexander; he resides at Sanford himself?—Yes.

4894. Mr. Alexander acts as his agent?—He acts as his agent.

4895. Does Mr. Brush act as land agent over any estates?—Yes, the Meade estate, which is largely in the Rathfriland district.

4896. Does he act as agent for the estate under the Commissioners of Church Temporalities?—He does.

4897. In what district is the estate of the Commissioners of Church Temporalities?—At Drummore, chiefly.

4898. As to the Downshire estate, Hillsborough, we have heard from Mr. Howe, he is some agent; who is the agent?—Major McClimock. I am only stating this from what I have gathered; I do not know that he is the agent.

4899. What is the extent of the Downshire estate in County Down?—

4900. Mr. Moore.] You have gone 7,000 acres wrong in one gentleman's estate?—I cannot tell you more than what is published in the Blue Book, published in 1876, giving the owners of all the properties in the county of over 4,000 acres; these are the amounts put down of the acreage and valuation. I have only taken those over 4,000 acres.

4901. Mr. Murphy.] What is the acreage of the Downshire estate?—The trustees of the Marquis of Downshire, 9,246 acres, the Marquis of Downshire, of Hillsborough, 84,366. Then the trustees, again, for 2,496 acres.

4902. Where is that?—I do not know where the property is situated.

4903. Who is the law agent for Lord Downshire?—I cannot say. Then there is Lord Hill Trevor; his land agent is Mr. Glenay.

4904. I believe the extent of that is over 10,000 acres?—Ten thousand nine hundred and forty are the figures in the Blue Book.

4905. John B. Henston; what is the acreage of his estate?—The acreage is given as 5,233 in the Blue Books, and the valuation 6,562 £.

4906. Who is the agent of Mr. Alfred S. Kerr, of Ballynalinch; is it Mr. Gage?—I believe so; I cannot say.

4907. He has a large estate?—Yes, 9,856 acres, and the valuation 12,641 £.

4908. Now, David Alfred Kerr; what is the extent of his estate?—The acreage is 10,588.

4909. You do not know about Mr. Gage being the agent?—I cannot say.

4910. Do you know Mr. Brownlow; what estate is he agent of?—Yes, of the Londonderry estate.

4911. Now, the estate of Mr. John Mulholland, which has an acreage of over 6,000?—Six thousand seven hundred and sixty-nine acres.

4912. Do you know Mr. Gallagher to be his agent?—I cannot swear.

4913. Now, Mr. Price, of Saintfield; what is the acreage there?—5,847.

4914. And a valuation of over 7,000 £?—Yes, 7,641 £.

4915. We have heard that Mr. Stewart, of Ards, for which Mr. Murphy is agent, is over 5,000 acres, and 6,520 £ is the valuation?—Yes.

4916. Now the Kilmorey estate?—The acreage is 57,154, and the valuation 18,708 £.

4917. Mr. Quin Henry is the agent of it?—I believe so.

4918. Now Mr. Ward, of Bangor Castle; who is his agent; it is over 5,000 acres, and the valuation 8,500 £?—I do not know who is his agent.

4919. Colonel Nugent; do you know his land agent; is it Mr. Bowen?—I do not know exactly, but the report is so.

4920. His estate is a large one, is it not over 4,000?—Four thousand six hundred and thirty-eight, and the valuation, 7,675 £.

4921. Did you attend at any of the booths yourself?—No, I was not engaged in the County Down election; I was in the County Antrim at the time.

Cross-examined by Mr. Macdonagh.

4922. You are a solicitor?—I am a solicitor.

4923. You have been existing very anxiously and properly in this case?—Yes.

4924. I suppose all these gentlemen and their managers are rather decent respectable people?—I presume they are; I do not know much about them.

4925. It is a presumption of yours, that they are respectable people?—I do not presume anything about it; I suppose they are; they are men of property.

4926. In what year of our Lord do you think peasant proprietorship is to displace them?—I do not know that it will displace them.

4927. You, as an intelligent solicitor, know the "Deedsday Book," of course?—Yes.

4928. You have been giving us the "Deedsday Book" of the County Down?—I have given you some extracts from it.

4929. You are agent for this sort of little association?—Yes.

4930. And you have been all very anxious about the election?—Yes.

4931. And, of course, you have aided and assisted Major Crawford?—I was engaged in Antrim during the election; I did not do much in Down.

4932. Perhaps you are not able to tell us how the canvassers were employed on the occasion of the Down election, or perhaps you are?—Personally I do not know much about it; I could not surely say that.

4933. Do you know that a great many voters were employed as canvassers?—What do you mean by "employed," may I ask? There were volunteers' committees; the farmers came in and volunteered, and divided the lists amongst them.

4934. You do not know much about it?—I know the principle upon which it was done in the other places, and which I suppose was applied there.

4935. You know the principal mischief was done in County Antrim?—Yes.

4936. And

*N. Wyke.*  
21 June.  
1880.

4936. And you believe the same would be carried out here?—Yes; and I had the preparation of the canvassing books used in carrying it out.

4937. There were voluntary associations of farmers in the several districts, who were to assist in the canvassing at the election?—This list was divided amongst them.

4938. Mr. Justice *Barry*.] That is your idea of the system carried out in Down?—Yes.

Re-examined by Mr. *Murphy*.

4939. So far as you know, were any of those to be paid?—Not one that I know of.

4940. You were asked about these respectable gentlemen of property; did you never know of gentlemen of the class of those owners of large

properties I have mentioned, or known their agents, to act as personation agents in booths before?—I am not aware of any.

4941. Mr. Justice *Barry*.] I believe this is only the second election under the ballot?—The third, my Lord.

4942. When you give me your idea of the system pursued here, I understand you to apply it to both sides?—I do not know their system; I am speaking of the plan carried out on behalf of Mr. Crawford in the Antrim and Derry elections.

4943. Mr. *Murphy*.] Had you any large landed proprietors to act as personation agents?—No.

[The Witness withdrew.

Adjourned to To-morrow, at Eleven o'clock.

*Fifth Day.—Tuesday, 22nd June 1880.*

JAMES ALLEN, sworn; Examined by Mr. Murphy.

4944. I BELIEVE you are a Voter in the Moira district?—Yes.

4945. Were you a canvasser in 1878?—Yes.

4946. Who engaged you to canvass in 1878?—Mr. Douie.

4947. The agent?—Yes.

4948. What were you paid after 1878?—I received no money.

4949. Whom did you go canvassing with this time?—Mr. Douie.

4950. Were you out many days upon this occasion with Mr. Douie?—As far as I recollect, about two hours.

4951. Two hours only?—Yes.

4952. Did you circulate or distribute any papers with him?—I did not.

4953. You did not see any one get any yourself?—I did get several, but I did not pay much attention to them.

4954. Do you recollect seeing one about the ballot being secret?—I heard of it, but I did not read it.

4955. You heard it spoken of amongst people?—I heard great talk about it.

4956. Was Mr. Douie talking to you about it?—No.

4957. Are you sure that he was not talking to you about it?—I am quite sure.

4958. You did not see him carrying any papers with him when you were out with him canvassing?—None that I know of.

4959. Did you see him leave any newspapers with anyone?—No.

4960. And you got none to leave yourself?—No.

4961. Were some left at your house?—Yes, they were sent.

4962. Was the one that we have been talking about, containing the article about the ballot being secret, sent to your house?—I cannot say.

4963. Did you read it in your own house?—I think I may say I did not.

4964. Did you read it in any other voter's house?—I did not.

4965. You were talking of that amongst the tenants?—No, I was not; they did not make that story at all.

4966. You heard some of the tenants talking about it?—Very little.

4967. You heard them talking about it, be it little or much?—I can hardly say, indeed.

4968. Did not you answer that you heard them speaking about it?—It was very little I heard about it; I cannot say very much about that.

4969. Only just what you heard?—I heard very little.

4970. You heard very little about it?—Yes.

4971. Amongst the tenants?—Amongst the tenants.

4972. Used you to attend any meeting of the committee?—Yes, I did.

4973. Where were the committee-rooms of that district?—In Moira.

280—Sess. 2.

4974. Did papers come there for distribution?—I cannot say much about that.

4975. Who took charge of the committee-rooms there?—Mr. Douie was the manager in the committee.

4976. He is the agent to Sir Thomas Bateson?—Yes.

4977. He has a large property in the district?—Yes, a very large property.

4978. Was it he that used to give directions as to what should be done with the newspapers that came there?—I did not hear any directions about newspapers.

4979. I suppose you heard no directions given at all in the committee?—Nothing, not about any paper that I knew about.

4980. Were you there when any newspapers were directed to be sent out for distribution amongst voters?—I was not.

4981. How many meetings of the committee did you attend?—I think three.

4982. In what month was that in, March or April?—In April.

4983. Did you in the committee-room see a paper with an article about the ballot in it?—I did not.

4984. Are you quite sure of that?—I am sure of that.

4985. At any time?—No.

4986. But you saw newspapers there for distribution?—I did not.

4987. You did not see any parcel come there at all?—Not in the committee-room.

4988. When did you see any that you saw for distribution?—I did not see any for distribution, nothing but what came to the house.

4989. They came to your own house?—Yes, and I do not know the party who sent them.

4990. You do not know the party who sent them, do you?—No.

4991. Did you look at those that were sent to you?—I did not look much about them.

4992. Were there many sent to you?—I cannot say; two or three.

4993. You attended three meetings of the committee; who took charge of the distribution of the newspapers?—I cannot tell.

4994. Who was the next active person to Mr. Douie in it?—I think he was the manager himself.

4995. He was the manager himself of everything there?—Yes.

4996. You went in to vote on the polling-day?—Yes.

4997. Was Mr. Douie in the booth?—He was in the room.

4998. He was one of the agents in the booth, one of the personation agents?—I understood he was.

Cross-examined by Mr. Macdowell.

4999. Mr. Douie was the agent for Sir Thomas Bateson?—Yes.

5000. Are you a tenant of Sir Thomas Bateson?—Yes.

P 3

5001. Mr.

*J. Allen.*

22 June

1880.

J. Allen  
—  
29 June  
1876.

5001. Mr. Douie took especial care at that committee to inform them, and to state that no canvassers should be paid?—Yes, he distinctly said that at the meeting.

5002. And were not some canvassers present upon that occasion?—Yes, there were.

5003. Were there not several canvassers present upon that occasion?—Yes, I think there were.

5004. Was not it generally understood that no paid person should vote?—It was clearly understood.

5005. Was not it announced by that gentleman, Mr. Douie?—It was, sundry times.

5006. Any person who was employed for reward should not vote?—Yes.

[The Witness withdrew.]

JAMES BERRY, sworn; Examined by Mr. Porter.

J. Berry.

5007. Did you vote in the Moira district?—My Lord, I want to ask a question before I make an answer in any shape or form. I have been travelling since one o'clock to come here to-day to meet you, and I got 10s. to bear my expenses, which it cost 10s. 8d., car hire, from Moira to Ballanahinch; I had to feed myself in Downpatrick, and have to take me home.

5008. You were told that you would have 15s. more?—Fifteen shillings will not take me home again.

5009. Did you canvass at the last election?—Yes.

5010. And vote?—Yes.

5011. Did you canvass in 1878?—Yes.

5012. And voted?—Yes.

5013. Who employed you to canvass?—Mr. Douie.

5014. On both occasions?—Yes, on both occasions.

5015. Did you canvass the same districts in both cases?—I cannot say.

5016. Were you paid anything in 1878?—I was.

5017. How much?—I cannot say.

5018. You can?—I do not remember, but I think so.

5019. By whom?—By Lord Castlereagh's manager or agent.

5020. Mr. Brownlow is Lord Londonderry's agent; who paid you; he did not?—Someone came and gave me a cheque, I think, for 3l.

5021. Whose cheque was it?—It was to draw on Lord Castlereagh.

5022. It was Lord Castlereagh's own cheque; who came round and gave you that?—I disremember his name.

5023. Did you know the man?—I did; at the time of the election he was there.

5024. Was he a committee-man?—No; he was in business for attorney Young.

5025. Is that Mr. Wellington Young?—Mr. Wellington Young.

5026. Was the man who gave you Lord Castlereagh's cheque in the booth at the time of the election?—I think not.

5027. You had seen him in connection with the election?—He was in connection with the committee.

5028. I suppose you have not been paid anything this time?—No, nor I seek for nothing; nor I sought for nothing before; it was free gratis.

5029. Are you sure of that, that you sought for nothing in 1878?—In 1878.

5030. You are just the same this time as in 1878, as far as your expectations were concerned?—I said nothing about pay.

5031. There was nothing said about pay on one occasion or the other?—No.

Cross-examined by Mr. Monroe.

5032. How long did you canvass in 1878?—I think about three days.

5033. Had you a car out?—Yes.

5034. During the three days?—Yes.

5035. Were you a member of the committee this year?—Yes.

5036. Were you there when Mr. Douie was announcing anything to the committee in reference to payment?—Yes.

5037. What did Mr. Douie tell the members of the committee?—He said to the members of the committee, or those canvassing, there would be no payment.

5038. Did he say that they were distinctly to undertake the duty without any expectation of payment?—They were asked, and they took it freely.

5039. Did you take it freely?—Yes; they asked me whether it would be convenient to go out a certain day, and I went.

5040. And you sought and got nothing?—I sought and got nothing.

5041. Do you know whether the cheque you got in 1878 was the expense agent's cheque?—I could not say that.

5042. At that time you used your horse?—Yes.

Re-examined by Mr. Porter.

5043. Can you say exactly what Mr. Douie said about the payment; can you give me the words; you told me first that nothing was said as to whether you should be paid or not?—That is this year; there was not anything said, and I seek for no payment.

5044. Was it in 1878 that Mr. Douie said there was to be no payment?—He did not promise any payment.

5045. You have told Mr. Monroe something about a statement which Mr. Douie made about there being no payment?—It was this year.

5046. What did Mr. Douie say?—I could not exactly say the words, but he distinctly told us that those canvassing, and so and so, there would be no payment.

5047. Did he say anything about any payment beforehand there?—No.

5048. Did he give any reason?—No, nor even reason.

5049. What time were you paid in 1878, how soon after the election?—I suppose a month.

5050. At your own house?—Yes.

5051. Did you circulate any papers, or take round any papers?—No; some papers were given me, but I circulated no papers.

5052. The papers came to you about the election?—I attended the committee, and brought home some papers.

5053. Were



5053. Were there any papers about the ballot?—I had nothing of the sort.

5054. And heard nothing of it?—I heard it talked over.

5055. Whether it was secret or not?—I cannot swear that.

5056. Which was the opinion of the committee most in favour of, Mr. Finnigan's view or against

it?—It was not talked about, I believe, in the committee.

5057. Did the voters seem to agree or disagree with Mr. Finnigan about the matter?—It was not talked about in applying to the parties about the vote.

[The Witness withdrew.

WILLIAM BAYMAN, sworn; Examined by Mr. Shaw.

5058. You are a voter?—Yes.

5059. And you voted at this election?—Yes.

5060. And you voted in 1878?—No.

5061. You were not a voter in 1878?—No.

5062. Were you employed in 1878?—No.

5063. In what capacity were you employed at this last election?—Persuasion agent.

5064. What did you get for it?—Nothing.

5065. Who engaged you?—Mr. Donie.

5066. Was nothing said about payment?—He said there would be no payment.

5067. He told you distinctly so?—Yes.

[The Witness withdrew.

FREDERICK LANGTRY, sworn; Examined by Mr. Murphy.

5068. WERE you engaged at all in the 1878 election?—No, I was not. I attended one meeting only.

5069. Did you canvass?—I did not.

5070. And you were not a paid agent in 1878?—No, I never received any payment.

5071. In what capacity did you act in this election?—I was a member of the committee and persuasion agent.

5072. Who asked you to act as persuasion agent?—Mr. Donie.

5073. Did you attend any meetings?—I attended three.

5074. Who had charge in the committee of the distribution of the papers?—The papers were left on the table at the meetings of the committee, and anybody who chose to take the papers took them.

5075. Did not parcels of papers come down for the purpose of circulation amongst the voters?—There were no parcels that I saw, and if they were put in, they were left at the meetings.

5076. Were not papers brought there to be directed or sent round by messengers to the voters?—There may have been some; I saw no particular paper.

5077. Were any persons employed to carry papers round, or distribute them by hand?—What sort of papers do you mean?

5078. Newspapers or circulars?—There were some circulars, I believe.

5079. Who engaged these persons to take them round?—I think a Mr. Bowen; he is the only one I know of.

5080. They were not sent through the post?—No, but the boy carrying the letters delivered them.

5081. Did he deliver any newspapers, to your knowledge?—I did not see any newspapers.

5082. Did you see any newspapers brought there at all?—No.

5083. Did you see Mr. Donie here to-day?—I did.

Cross-examined by Mr. McDonough.

5084. You were a member of the committee?—Yes.

5085. You attended three meetings?—Yes.

5086. Were not you present when Mr. Donie said to the gentlemen present, "Such as will undertake the duty of canvassing, you must understand, you must do it without payment"?—Distinctly.

5087. Did you accordingly undertake the duty without payment?—I did, freely.

5088. After you heard that announcement?—Yes.

5089. Did not you hear that gentlemen, upon different occasions, state to the persons there that no person employed for reward should vote?—Most distinctly.

5090. And you were not employed for reward?—I was not.

5091. And you were persuasion agent?—Yes.

[The Witness withdrew.

JAMES TURNER, sworn; Examined by Mr. Porter.

5092. WHERE do you live?—Moira; but before answering any questions, I want some more expenses to what I have got.

5093. Mr. Justice Barry.] How much have you got?—Ten shillings.

5094. Mr. Porter.] You will get 15s. more, and they have been all told that: were you acting at the last election?—I was.

5095. And in the election of 1878?—No.

5096. At the last election were you a canvasser?—I was.

260—Sess. 2.

5097. Were you a member of the committee?—I cannot say that I was.

5098. Can you say you were not?—I never was asked to be a member of the committee; I used to attend the meetings as a volunteer.

5099. Where did the committee meet?—At Moira.

5100. I know that; at what house did they meet?—James Wilson's hotel, Moira.

5101. Did you supply the refreshments to the committee?—I did not.

2 A

5102. Who

J. Barry,

22 June  
1880.

W.  
Bateman.

F. Langtry

J. Turner.

J. Turner.  
22 June  
1880.

5102. Who is James Wilson?—A brother-in-law of mine.

5103. Did you live in his house?—I did not.

5104. Had you anything to do with the supply of refreshments?—Nothing, only anyone that asked for a bottle of lemonade I handed it to them.

5105. Both before and on the day of the polling?—Yes.

5106. Were you present at any meetings of the committee?—I was.

5107. Had you charge of the delivering of letters, and newspapers and circulars?—I had not.

5108. Who had?—I do not know.

5109. Did you deliver any?—No.

5110. Did you know of any being delivered?—I did not.

5111. Did you see the parcels coming from Mr. Finnigan?—I do not know; I saw papers lying on the table of the committee-room.

5112. They came there themselves, I suppose?—I do not know.

5113. Did any parcels come?—Yes.

5114. What was done with them?—Anyone who chose in the committee-room might have one or more if they liked.

5115. Did the committee take them away?—They were taken away by the persons who liked to lift them.

5116. How many persons attended the meetings of the committee?—I do not know.

5117. Give me an idea?—It may be 20 or 30.

5118. How many meetings of the committee were there; how often did the committee meet; was it every evening?—No; I think four evenings. I am not certain.

5119. Four evenings in the week?—No; three or four evenings altogether; I am not certain.

5120. Did you see an article about Mr. Finnigan's ballot contrivance?—I did see it in the newspaper.

5121. Did you read it?—I did.

5122. What did you think about it?—I could not point very many remarks.

5123. Did you speak about it to anybody?—I did not.

5124. You held your tongue about it?—Yes.

5125. It is strange you did not speak to anybody; you kept it quiet?—Anybody who chose to lift the paper and read it, might see it as well as me.

5126. It was in the committee-room that you lifted the paper?—It was not.

5127. You are certain of that; where could anybody choose to lift the paper and read about it?—In our own house, the newspapers we get there.

Cross-examined by Mr. Monroe.

5128. Any canvassing that you did this year did you do gratuitously, without any payment or expectation of payment?—I did.

[The Witness withdrew.]

GEORGE WILSON, sworn; Examined by Mr. Shaw.

G. Wilson.

5129. Where you employed in the 1878 election?—No.

5130. You are not a voter, then?—I was.

5131. Were you employed at this election?—I was spoken to, to go out.

5132. And you canvassed?—Yes.

5133. Had you any cars employed?—I had.

5134. You took your own cars?—No, I did not; I worked as a canvasser.

5135. Who employed you?—Mr. Donie spoke to me to go out.

5136. And there was nothing said about pay?—No.

5137. Not a word?—No.

5138. Whether you would get it or not?—No.

5139. And you did not expect to be paid?—No, I did not, and never expect.

5140. If you got a present, you would be surprised?—I would not take a present of money.

5141. Did you take out any papers with you when canvassing?—I did not.

5142. Did you know anything about papers being distributed through the neighbourhood?—I got none.

5143. Did you see papers in the committee-room?—Yes.

5144. Were you present at a meeting of the committee when arrangements were made about the distribution of papers?—I was at three meetings of the committee.

5145. Were you at any meetings which took place about the distribution of the papers?—I do not know of any.

5146. Do not you know of anybody being employed to carry about papers?—No.

5147. You do not know about Mr. Bowen being employed?—No.

5148. And you never heard of anybody being employed to take out circulars?—I did not.

Cross-examined by Mr. Kibbey.

5149. You were present at three meetings of the Committee?—Yes.

5150. Did you hear Mr. Donie at one meeting say that any person who undertook to canvass should do so voluntarily, and nobody would be paid?—Yes.

5151. And it was after that you undertook to canvass?—Yes.

[The Witness withdrew.]

WARING GREEN, sworn; Examined by Mr. Murphy.

W. Green.

5152. HAVE you a vote in the Castlewallan district?—Yes.

5153. Were you canvassing in 1878?—No.

5154. You did not canvass at all in 1878?—No, I did not.

5155. Did you do any work at all in the election of 1878?—No.

5156. You were not employed in any way?—No.

5157. Did you canvass this time?—No.

5158. What did you do?—Served some circulars.

5159. Did you take any newspapers about?—No, I did not.

5160. Merely

5160. Merely circulars?—Merely circulars to attend the public meeting held by Lord Castle-  
reagh and Lord Arthur Hill.

5161. And were you only one day serving circulars?—That is all.

5162. Are you a farmer?—Yes.

5163. On what property; on whose estate?—The Marquis of Downshire.

5164. Who employed you to take the circulars?—Mr. Roberts asked me to do so.

5165. Did you go there seeking for some work?—Where?

5166. To the committee-room?—I did not.

5167. Where did Mr. Roberts meet you?—On the street in Dundrum.

5168. How many acres of ground have you; do you work as a labourer, for hire?—Yes, I do.

5169. What were you to be paid for sending out the circulars?—Nothing; there was no mention of pay for my sending them out.

5170. No mention as to whether you would or would not?—No.

5171. Were you at work upon the day he met you upon the street of Dundrum?—Yes.

5172. And you left your work?—Yes.

5173. Who were you working for that day?—For the trustees of the Marquis of Downshire.

5174. What work were you at; what was the nature of your work?—At that time I was attending masons.

5175. Who used to pay you for your work in attending the masons?—Mr. Roberts.

5176. And he sent you doing this?—Yes, he did.

5177. And how long were you; were you one day doing it?—No, I was not a day either.

5178. You were not the whole of the day?—No.

5179. Of course, you went just with your days work?—I took my choice to do it before I would work.

5180. You left off the work; you were attending the masons?—Quite well.

5181. Upon what day of the week was it?—I could not say.

5182. And you were paid your week's wages?—Yes.

5183. Just the same as usual?—I saw no difference.

5184. Did you take your choice for attending about the circulars on any other day?—No.

5185. What hour of the day were they given to you?—About nine o'clock in the morning.

5186. And you did not attend to the mason's work again?—I did not.

5187. It was a holiday?—I took it that way any way.

5188. You voted, of course?—Yes.

5189. Mr. Justice Barry.] Were you paid your day's wages?—Yes; I was paid my week's wages.

5190. Is Mr. Roberts the bailiff of the estate?—The sub-agent.

5191. Were you about with Mr. Roberts any day, canvassing?—No, I did not go with him any day.

Cross-examined by Mr. Macdonagh.

5192. How much land have you?—I have 10 acres.

5193. And you are a tenant of the Trustees of Lord Downshire?—Yes.

5194. Mr. Roberts is sub-agent over that estate, as you have mentioned?—Yes, I think so.

5195. Did he ask you to oblige him by just going with those gentlemen about the district?—He asked me to go; it was to oblige him, I am sure.

5196. Did not you do it cheerfully, to oblige the gentleman who is agent over the estate?—I cannot say; he was full agent.

Re-examined by Mr. Murphy.

5197. You took it as a matter of choice; it was much easier work than lifting up the hods and attending the masons?—Yes.

5198. And you obliged yourself much more than Mr. Roberts?—Yes.

[The Witness withdrew.

WILLIAM MCCUNE HOLMES, sworn; Examined by Mr. Porter.

5200. Where do you live?—Leitrim.

5201. Is that a townland?—Yes.

5202. In the Castlewellan district?—Yes.

5203. What were you engaged at during the election?—Canvassing and going about with papers.

5204. Do you recollect going about with newspapers?—I remember a newspaper coming along with other papers.

5205. Do you remember taking out the papers; do you recollect seeing an article about whether the ballot was secret?—Yes.

5206. Your attention was drawn to it?—I did not say my attention was drawn to it.

5207. Did you speak about it?—I cannot say that I did; I do not know that I spoke to anybody except I came in conversation.

5208. Did you speak to anyone in the way of conversation about it?—Not particularly.

5209. You read the article, and formed your own opinion about it?—Yes.

5210. As a matter of fact, what was your own opinion about it?—I do not know what was my opinion about it.

5211. As a matter of fact, what was your own opinion about it?—I do not know what was my opinion about it.

5212. As a matter of fact, what was your own opinion about it?—I do not know what was my opinion about it.

5213. As a matter of fact, what was your own opinion about it?—I do not know what was my opinion about it.

5214. As a matter of fact, what was your own opinion about it?—I do not know what was my opinion about it.

5210. Did you think Mr. Finnigan had made out his case?—Not altogether.

5211. Did you speak to any of the voters that you canvassed about him?—I cannot say that I did, except it came in the talk along with it.

5212. You cannot say?—I never introduced the subject with anybody.

5213. Did some of the voters introduce the subject to you?—It might be that they did.

5214. Does not that mean that they did; it came in the way of conversation?—It might.

5215. I know it might, but did not it?—I do not know whether it did or not.

5216. Did not you know, on your oath, that it was the subject of conversation over and over again between you and the voters you were canvassing?—On my oath, I do not think it was anything of the sort; I do not think it was the subject of conversation.

5217. Did you try to convince any voter that the ballot was not secret?—I told them Mr. Finnigan's opinion.

5218. To what voter did you tell it?—I do not know whether I told any voter; I do not think I ever

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Holmes.

W. M.  
Holmes,  
—  
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I ever mentioned it to any person that the ballot was not secret at all, except that it was in the newspaper.

5219. Did you say that it was Mr. Finnigan's opinion?—Yes, I said it was Mr. Finnigan's opinion.

5220. How many voters did tell that it was Mr. Finnigan's opinion that the ballot was not secret?—I do not remember whether I told it to one or not.

5221. How many voters did you canvass?—I could not say.

5222. Had you a list?—Yes.

5223. How many were on the list?—I do not remember.

5224. What has become of the list?—I returned the list to the committee.

5225. What did you do with the list?—I returned it into the committee-rooms.

5226. How many townlands were you to canvass?—One.

5227. What townland was it?—Leitrim.

5228. How many voters were there in it?—I do not know.

5229. A hundred?—No, I do not think there was.

5230. Did you canvass all that you were sent to canvass?—Yes.

5231. Do you remember a man named Patrick Murray?—Yes.

5232. Did you tell him, and try to convince him, that the ballot was not secret?—I never tried to convince anyone; I only told them the opinion that was in the papers.

5233. Did not you try to convince anyone of your own opinion that it was not secret?—No.

5234. And was all you did to try and convince them that it was Mr. Finnigan's opinion?—All I said was, that it was in the paper that the ballot was not secret, and I did not know whether it was or not.

5235. Did you name Mr. Finnigan?—Yes; I said Mr. Finnigan had gone into this question in Belfast, I understood.

5236. Were you present at the committee meetings?—Yes, some of them.

5237. Was it at the committee meetings that you got the papers?—No, it was not.

5238. Where did you get them?—I got them at the committee-rooms.

5239. From whom?—I do not know; the papers came in a parcel in the committee-room when I was in with Doctor Gray, and I took them out along with the others.

5240. Did you take all that came?—No, because they were not all for me.

5241. You took what were for you?—I took what belonged to me.

5242. When the voters and you spoke upon the subject?—

Mr. Macdonogh.] He did not say he spoke to voters.

5243. Mr. Justice Barry.] He said he told Murray and told others that it was in the paper?—I beg pardon, it was in the conversation.

5244. Mr. Porter.] Whether to voters or whether to non-voters, when the thing came up in the course of conversation, did you find that the people who spoke to you upon the subject agreed with Mr. Finnigan or differed from him?—On both sides; some was of one opinion and some of the other opinion.

5245. Which were there most of?—I cannot say which there were most of.

5246. Do you know James Henry?—Yes.

5247. Were you speaking to him upon the subject or he to you?—I do not remember whether I was or not; I might have been talking to him.

5248. Had you voted at the election of 1878?—Yes.

5249. Had you canvassed in the election of 1878?—No.

5250. This was your first attempt?—Yes.

5251. Had you ever voted before 1878?—No.

5252. Then 1878 was the first time you ever saw the ballot at work?—Yes, it was the first time I voted.

5253. And it would be a matter of some interest how the ballot worked?—It was no matter of interest in what way it worked.

5254. Did the voters seem to take an interest in the matter?—No, I do not think they did.

5255. They did not care whether their votes were secret or not?—I do not know whether they cared whether their votes were secret or not, but, as far as the ballot is concerned, I did not bear them say whether it was material or not.

5256. Amongst the papers that came to the committee-rooms, did you see any slips like long narrow pieces of newspaper, either cut out or reprinted?—I do not think I did; if I did, I do not remember.

5257. Like a long, narrow column; like a halld without the poetry?—I do not remember that I did.

5258. Who employed you to canvass or instructed you to canvass?—I was at the committee meeting, and we were all asked to go; everyone agreed to go and canvass.

5259. Was it from a notice you got to go to the meeting?—Yes, we got a notice to attend at Castlewellan.

5260. Who signed the letter?—I think, Colonel Kingscote, I think it was.

5261. He is agent for Lord Roden?—Yes, I heard so.

5262. Mr. Kingscote was a personation agent?—I do not know whether he was or not.

5263. Did you see Matthew Foote on the day of voting?—I saw him in town that day.

5264. When you went in, in pursuance of that notice, was that when you got your instructions about canvassing?—Yes; we were asked if we would canvass.

5265. Was anything said about pay?—Not a word that I heard.

5266. Do you mean to say that?—Yes.

5267. Neither one way nor the other?—Neither one way nor the other; I heard no remarks about payment.

5268. Did you hear anyone say whether the canvassers would be paid or not?—No.

5269. From first to last?—There were some parties through the country, but no member of the committee.

5270. What did the parties through the country say?—Parties through the country said we would all be paid.

5271. That was all you heard?—Yes.

5272. Had you applied to anybody to be employed as paid canvasser?—No.

5273. Did you apply to anyone, on behalf of Major Crawford, to employ you as a paid canvasser?—No.

5274. Did you ask anyone to get you employed for pay from Major Crawford?—No.

5275. Neither Patrick Murray nor anyone else?—No.

5276. When

5278. When you canvassed, did you say to any of the voters that you canvassed whether you would make any report to the office or not?—No.

5277. Try and recollect?—No.

5278. Did you say to any voters that they must tell you who they would vote for?—No, I never said that; I never said to them that they must do it.

5279. But you said you must return them; did you say to anyone that you must return them?—I said I would return in the sheet according to their answers.

5280. To whom?—Into the committee-room.

5281. Did you say anything about returning the names into anybody else?—No.

5282. As a matter of fact, did you return the names to the committee?—Yes, I returned them into the committee-room, but there was no committee meeting at the time.

5283. Did you return the names besides that that to the estate office?—No, I did not.

5284. How many days were you canvassing?—I was not out any days; I was only out part of the day, when some circulars or addresses came round.

5285. When the circulars or addresses came out, that was the time that you canvassed?—Yes; at the time I went out to canvass there was no circular out.

Mr. Justice Barry.] The two answers are entirely inconsistent with each other.

5286. Mr. Potter.] I asked how many days did you canvass, and you say you did not canvass any days?—Yes; no whole days.

5287. Did not you say that there were the occasions when there were circulars to be taken out?—Yes; the time I went round, the after part of the day when I received them and returned with them.

5288. Was that the time you canvassed?—No, I canvassed at the first; when we got instructions from the committee-rooms to canvass, there was no circular out at the time.

5289. How many days did you canvass?—I did not canvass any days, except part of a day.

5290. Did you tell me just now, within the last two minutes, that the parts of the days you went out were when there were circulars to deliver?—Yes.

5291. Is that true?—It is.

5292. And newspapers?—Yes, there was a

newspaper anyway; I do not know whether there were newspapers.

5293. Mr. Baron Fitzgerald.] Did you vote?—Yes.

Cross-examined by Mr. Monroe.

5294. You say you and a number of other people were sent for by Colonel Kingscote to come into Castlewellan?—Yes.

5295. Were you asked then to go to canvass around certain townlands?—Yes.

5296. Did you undertake that duty voluntarily?—Yes.

5297. Without expectation of payment?—Yes.

5298. Did you know that there were farmers canvassing upon the other side also, through the country?—Yes.

5299. Is that Patrick Murray there (pointing to a person in Court)?—Yes.

5300. Is he a farmer?—Yes.

5301. Was he canvassing?—Yes; he was about amongst them.

5302. Canvassing for Mr. Crawford?—Yes.

5303. As you were canvassing on the other side?—Yes.

5304. Did you ever receive any instructions about this question of "The Ballot Act"?—No.

5305. Was it ever spoken of, except introduced into conversation, though not originally by yourself at all?—No, it never was.

5306. Who is James Henry that has been spoken of?—He is a Presbyterian minister.

5307. Mr. Justice Barry.] You saw the newspaper that had the article about the ballot, whether it was secret or not?—Yes.

5308. How many copies of it did you give to persons, whether voters or not?—I do not know, say Lord, but I do not think there was a copy of it for every voter, as far as I can recollect.

5309. Were there half as many as there were voters?—I think there might be, my Lord.

5310. On the occasion of the conversations, you said you had (I do not say whether you introduced the subject or not about this article), would you have the papers with you?—No.

5311. Or would the person you talked to have the paper?—No; I do not think they had, except that the paper might be in the house; they might be in the house of an evening, or something like that.

[The Witness withdrew.]

PATRICK MURRAY, sworn; Examined by Mr. Murphy.

5312. Do you know the Mr. Holmes who has left the table?—Yes.

5313. You live in the district where he was canvassing?—I live in the Castlewellan district; not in the same townland.

5314. Do you recollect speaking to him when he was out canvassing?—Not when he was out, but I spoke to him prior to the day of the polling. I had a conversation the Monday after Major Crawford's address appeared in the newspaper.

5315. Do you remember seeing anything about the ballot paper and the ballot being secret?—It was on the 25th; I heard the paper had appeared upon the 24th.

5316. What did you say?—I was canvassing 260—Sess. 2.

through the townland he was in, and I came by his father's house, and he was a voter too, to canvass him; he asked me did I see what appeared in the papers, that Mr. Finnegon made out that really the ballot was no secret.

5317. Who was present at that time?—Mr. James Henry was along with me at the time.

5318. You recollect the paper that had the article you mentioned; you recollect the time it appeared?—I saw several distributed marked with a blue pencil. The head of them marked.

5319. In the column where it was marked with the blue pencil you say you saw, was the column marked like that paper (handing a paper to the Witness)?—I did not say that the column was marked down the side that I saw, but it was

Q 2 marked

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P. Murray—marked at the head; I saw them in most of the houses in Castlewellan. I made inquiry, and the papers were shown to me, and they said it was a present they got. A bill poster of the name of Weir distributed them there.

5320. And several of the voters spoke to you upon the subject?—Yes; I canvassed a large extent and a great deal of the voters; I could not make them believe that the ballot was secret; there was a general impression made on the voters, that it could be known how they voted.

5321. Mr. Justice Barry.] When you say “a general impression made,” do you mean by the newspaper?—Yes, and by the canvassers in nearly every instance, they said.

Mr. Baron Fitzgerald.] Do not say what you did not hear.

Mr. Murphy.] That is all I have to ask you.

Cross-examined by Mr. Macdonagh.

5322. Where do you live?—In Clanvaraghan.

5323. On whose property?—Mr. Price, of Nerry, I believe it is now; I heard lately. I am not certain whether it is him or Mr. Macartney is the owner; I heard it was being sold.

5324. Were you a voter?—Yes.

5325. Who employed you to canvass?—I was on the committee; we formed the committee ourselves.

5326. Where?—At Castlewellan.

5327. Were you the chairman?—No.

5328. You formed the committee at Castlewellan?—Yes.

5329. How much were you to be paid?—Nothing.

5330. Not a farthing?—Not a farthing; the committee had to pay themselves in place of receiving pay; the instructions, I believe, came to us, that every petty sessions district would have to bear their own expenses, and the committee contributed to pay any cars employed, and for bill posting and the like.

5331. Were you the man who disturbed the meeting at Castlewellan?—I did not disturb it; I was there.

5332. Were you asked to come up to the platform, and not disturb the meeting?—I was asked to go up to the platform and ask any questions, and I did go.

5333. Were you put out?—No. I asked questions of the candidates, and they would not answer them. I was never in such a high position in my life; I was in a chair on the platform, and sat between two ladies. There was never a lord asked me to come upon the platform before, and perhaps I was very proud to be asked up between the two ladies.

5334. You were very proud of the society you were brought into?—Yes.

5335. They were not fit to answer to you?—The few questions I asked them they would not do it.

5336. Neither Lord Hill nor Lord Castlereagh would answer you?—Neither would answer the questions I asked, but said merely they would support free sales, fair rents, and fixity of tenure.

5337. If they would not answer in the affirmative, they were not the men for Down?—They were not the men I would support.

5338. You puzzled them both?—I cannot say

I did, but one of them spoke very little afterwards.

5339. You silenced him, at all events?—I believe I did; it is my belief.

5340. Were not you roaring at the top of your voice?—No, indeed I was not.

5341. You spoke like a dove, as you are now doing?—Yes, just spoke as I am speaking now.

5342. And you have been taking an active part in this Petition?—Yes.

5343. I suppose you have been often in the office of the collecting agent?—I never was in Mr. Brett's office in my life.

5344. Did you ever give him your evidence?—Never.

5345. You never told him what you could prove?—I told him this morning what I could prove.

5346. This morning is the first time?—I believe there was something sent from the committees that we were ready to prove against these parties; I believe that, but I was not talking to him.

5347. But your committee sent papers to Mr. Brett to state what they could prove?—Of course.

5348. When was it they sent those papers?—I am not certain; I do not remember.

5349. Was it soon after the election?—It was; it was somewhere about the time the talking of the Petition came out.

5350. Immediately upon the talk of the Petition?—I should consider so. I will swear to no dates; it was probably sent to us to see whether we had any cases to send.

5351. I should think it is very probable that it was sent to you to know if you had any cases to send, and you did send about that time?—Yes.

5352. You knew then what you have told the Judges to-day?—Yes.

5353. And of course you communicated that to Mr. Brett?—I did not communicate it, but the secretary did, a portion of what is there.

5354. What is his name?—James Altman.

5355. You know, of course, the names of the voters you were speaking to?—Is that on the office?

5356. Yes?—Of course I had a list with me of them. I did not know until I went and inquired at the house.

5357. And you then had your list with you?—Yes.

5358. You stated that with several of the voters you could not make them believe that the ballot was secret?—Yes.

5359. By virtue of your oath, mention the names of any one of them, one after the other?—I will answer: William Steele, of Legnanni, told me that Holmes even went as far as to use intimidation on him, and said he need not come here; he would know in the office how he would vote.

5360. Have you any other name?—Robert Hannan, of Clanvaraghan, and Hugh Thomson, of Clanvaraghan. Robert Steele said that this man tried to make an impression upon him, and that he went as far as to use intimidation on him.

5361. You are not giving names?—I have.

5362. You say, several of the voters you had communication with you could not make them believe the ballot was secret; my question was, who were the voters you could not make believe?—I was going on; I have other men. I went over 180 voters.

Mr.

Mr. Baron Fitzgerald.] You say that one of those men would not say it was his opinion that the ballot was not secret, but he said the other was the one he could prevail upon; that is what I understand.

5363. Mr. Madden.] Now we have three; you cannot mention any other?—I would not tax my memory with every man I want to who told me that; but if I knew anything like this would occur, I would have made a note of it.

5364. You have given three names?—Yes.

5365. I am satisfied at present?—I am certain there were plenty of others, but I cannot remember their names; there was a general feeling among them.

5366. Are these three men here?—Indeed they are not.

5367. Did you see these men voting afterwards?—Those three?

5368. Yes?—Yes, I did. I saw them coming into the booth; some of them came to the table I was at. Hanna did not vote at the table I was at, but Thompson did. I saw one come into the booth.

5369. You knew these three men whom you have named are voters?—I did.

5370. Did you accompany them to the polling place?—No, I did not.

5371. Did they vote early in the day?—I do not remember what time they voted. A great deal of the people were voting there. I cannot remember the time of day they voted.

5372. A great number of persons voted there?—It is not a very large district; there are between 500 and 600.

5373. Did you see Thompson going up with Major Crawford's agent?—I did not, indeed; I was inside the booth from the time it opened at eight o'clock, and I believe it was two o'clock before I got out.

5374. You were in the booth as personation agent?—I was checking off the voters at No. 2 table.

5375. Did you check off Thompson?—Of course.

5376. Did you check off the other two?—No; Hanna would not be at No. 2 table.

5377. You saw him voting?—I saw him come into the booth; I do not know whether he voted or not.

5378. Steele, did he vote?—I believe he voted.

5379. Did you check off Steele?—Yes; if I had the sheet, I could tell you; I believe he voted.

5380. Where does these three men live?—Steele lives in Legansorle and Hanna in Clannavaghan.

5381. In what district?—Castlewella; it is Castlewella that we are talking of, sir.

5382. Mr. Baron Fitzgerald.] You say that in several houses you saw marked newspapers?—Yes, my Lord.

5383. Was it in any of the houses of the three men you have named?—I cannot say that.

5384. Did you see marked papers with them?—I cannot say; I did not look when I was out; I was hurrying from house to house.

5385. At the time of the conversation with Henry you were canvassing for Major Crawford?—Henry was canvassing; he was on the canvas.

5386. You were canvassing at the time you had the conversation with Holmes?—Yes, and he was canvassing on the opposite side.

5387. At the time you had the conversation with him?—He had been round and made his canvas. He said he would make a bet how many votes would be for Crawford in the townland he was in, and how many would be for the other.

5388. You say this conversation was at his own house?—Yes.

5389. He was not canvassing at the time you were?—Yes; he was working in the field, and he came to the room to me.

5390. Mr. Justice Barry.] Was it always on the same article that you saw this blue mark?—The blue mark was always on that paper of the 24th; I saw the mark.

[The Witness withdrew.]

WILLIAM ARMSTRONG, sworn; Examined by Mr. Shaw.

5391. You are a voter in the Castlewella district?—Yes.

5392. And you canvassed at the last election?—Yes.

5393. Did you canvass in 1878?—No.

5394. Mr. Fitzgerald.] Did you vote yourself at the last election?—Yes.

5395. Mr. Shaw.] Did you vote in 1878?—Yes.

5396. Who appointed you to canvass?—It was by letter; no one appointed me, only by letter.

5397. Who signed the letter?—I cannot say.

5398. You do not remember?—I cannot say; a letter came to me; I do not know who sent it.

5399. And you went out to canvass in consequence of receiving a letter from a man you did not know?—Yes.

5400. Can you read?—Yes.

5401. Mr. Baron Fitzgerald.] Did you do something after you got the letter, before you canvassed?—

5402. Mr. Shaw.] What did you do before you

got the letter?—I saw I was requested to canvass, and I went so along with another man.

5403. Have you the letter?—I have not it.

5404. Where is it?—I could not tell you; I did not keep it.

5405. What was in the letter?—I was asked if I would go along with William Hanna to canvass a townland.

5406. By whom were you asked?—It might be Mr. Kingscote.

5407. Are not you sure it was?—I am not sure.

5408. And did you go out to canvass on the invitation of a man you did not know?—I did not know the man.

5409. And do you go out for everybody that asks you?—I went out upon that occasion.

5410. Mr. Justice Barry.] Did you think the letter came from the office?—I thought it came from the committee-rooms.

5411. Mr. Shaw.] Did you go to the committee-rooms?—I went to the committee-rooms the day I got the letter.

Q 5

5412. After

P. Murray.

22 June  
1880.

W.  
Armstrong.

W. Armstrong. 5412. After you got the letter, did you go?—  
I got a list of the voters of the townland.  
5413. Where did you get the list?—It was sent to me.  
5414. Who brought it?—It was sent to me by a young man.  
5415. It came from the committee-rooms?—Yes.  
5416. Where did you canvass?—Legnanshi.  
5417. Whose property is that on?—Lord Annesley's.  
5418. When you went out to canvass, you had a conversation with the voters?—No conversation, only just telling them what my business was.  
5419. What did you tell them was your business?—I told them I came out to canvass.  
5420. For Lord Hill and Lord Castlemagh?—Yes.  
5421. Did you tell them you had a report to make?—Of course, they might give me their answer, whatever it was, and I took it down.  
5422. Before they gave the answer, did not you say that you had a report to make?—No.  
5423. Did not you say you had to report to the office what answer they gave?—No.  
5424. Will you swear that?—Of course, I have sworn it.

5425. Did you mention anything about the ballot in your canvass?—I know nothing about canvass; I did not see a newspaper.  
5426. You never read newspapers?—No, I do not read newspapers.  
5427. Did anybody give you a newspaper with the article about the ballot?—It might be or might not.  
5428. Did you get a copy marked with the blue mark?—No.  
5429. Did you read the article?—No.  
5430. You did not say anything about it when you were out canvassing?—No.  
5431. And you did not tell any voters that you had to report to the office which way they would vote?—No.  
5432. Do you know Edward Murphy?—Yes.  
5433. Did you canvass him?—Yes.

Cross-examined by Mr. Murray.

5434. You were asked to go out, and went out?—Yes.  
5435. Did you go out voluntarily, without any expectation of payment?—Yes.  
5436. Like all the rest?—Yes.

[The Witness withdrew.]

JOHN BELL, sworn; Examined by Mr. Porter.

J. Bell. 5437. You voted at the last election?—Yes.  
5438. In the Castlewellan district?—Yes.  
5439. Were you canvassing in 1878?—Yes.  
5440. What were you paid for canvassing in 1878?—I am sorry to say, nothing.  
5441. Nothing at all?—I would not, as a man, have gone to look for it upon such an occasion.  
5442. What were you doing this time in the way of canvassing; did you canvass much?—Simply one townland.  
5443. What is the name of it?—Slievenabley.  
5444. Did you distribute any papers there at all?—On some occasions.  
5445. With blue marks?—None of those with blue marks.  
5446. You swear that?—I swear I did not.  
5447. Who distributed those with blue marks?—I am not bound to say for any man but myself.  
5448. Did you see them?—I saw papers on the election occasion, but I never saw papers marked with a blue mark.  
5449. You say you did not distribute those with blue marks?—I never saw any.  
5450. Did you see papers about the ballot?—I do not remember paying any attention to it.  
5451. And you endeavoured to impress upon

the voters that the ballot was quite secret?—Certainly not.

5452. And told them that Mr. Finnegan was all wrong?—I beg pardon, I mistook the word that I should have said; you asked me the question, and I want to impress upon the voters that the ballot was secret?

Mr. Justice Barry.] We understand what you mean, perfectly.

5453. Mr. Porter.] What did you impress upon them?—I impressed nothing upon them with reference to the Ballot Bill at all.

5454. Or about Mr. Finnegan's letter?—Nothing with regard to Mr. Finnegan's letter.

5455. Do you know anything about the office at all, about reporting the names to the office?—Certainly not; the office had nothing to do with the point, in my opinion.

5456. Who was the landlord of the townland that you canvassed?—Lord Annesley.

Cross-examined by Mr. Kilday.

5457. You were acting voluntarily as a canvasser?—Yes, and I was pleased to have an opportunity of doing so upon the same occasion.

[The Witness withdrew.]

JOHN CALLISTER, sworn; Examined by Mr. Porter.

J. Callister. 5458. Did you vote at the last election?—Yes.  
5459. And in 1878?—Yes.  
5460. Did you canvass this last time?—I went with a canvasser.  
5461. What is his name?—John Delzell.  
5462. Did you go with anybody in 1878?—No.  
5463. Nor canvass in 1878?—No.

5464. Was there any arrangement about pay this time?—No.

5465. In the course of your canvass, did you distribute any circulars?—He served some voting papers.

5466. That is, papers with a name marked upon them?—Yes.

5467. Did he serve any other papers?—Not that I saw.

5468. Did



5468. Did you?—No.

5469. When were you with him; what days?—It was Monday; I cannot tell the day of the month; it was Monday, in the afternoon.

5470. How long before the polling day?—It might be a fortnight, or not so long. I was putting in a crop at the time.

5471. You were only there one day?—The one afternoon; I went out after dinner.

Cross-examined by Mr. Macdonagh.

5472. You voted at the last election?—Yes.

5473. You had not canvassed at all in 1878?—Yes.

5474. Upon this occasion, when you went out with Dulzell, is it not the fact that you acted without any reward?—Yes.

5475. Entirely voluntarily?—Yes.

5476. Nobody ever promised to pay anything for that?—Never.

5477. Did you not know that canvassers were not to be paid?—I knew James McCartney, the first man we went to; he was on the road, and he said he would not give his vote for less than 10 l. I never spoke anything at all.

5478. His name was what?—James McCartney.

5479. You said nothing to him?—No, I said nothing to anybody.

5480. That is not an answer to my question; I asked, was not it understood that the canvassers were not to be paid?—I never heard a word about pay.

5481. You went out without any expectation of pay?—Yes.

5482. When a man answered the question

"For whom will you vote?" was it then that Dulzell gave the voting paper? I will not trouble you any further—

J. Callister.  
22 June  
1880.

Re-examined by Mr. Porter.

5483. Is that a copy of the voting paper you sent (handing a paper to the Witness)?—Yes.

5484. This is "Instructions to Voters"?—

[The paper was handed in, and it is as follows]:—

"Instructions to Voters. Call at Castlereagh and Hill's tally-rooms for instructions before voting. Mark the ballot paper handed you by the presiding officer in the polling booth, with an x opposite the names of Castlereagh and Hill, in the blank space on the right hand side of the voting paper, thus:—

Castlereagh	x
Crawford	
Hill	x

Do not write your name. Do not mark the cross on the left side. You can vote for two candidates. Mark the (x) opposite the names of Castlereagh and Hill only. Polling begins at eight o'clock, a.m. Closes at five, p.m. Poll early. Bring your friends with you. Vote for Castlereagh and Hill only, else your vote will be lost.

[The Witness withdrew.]

WILLIAM McCURM, sworn; Examined by Mr. Murphy.

5485. WHEN you employed at the last election?—I delivered some circulars.

5486. Were you some days delivering them?—Only two small whiles on each day; I was out on two occasions.

5487. What were you paid for it?—Nothing at all.

5488. Were you a labouring man?—I am a farmer, and I can labour every day.

5489. Do you ever have any others on work for hire?—I do sometimes.

5490. Were you in Lord Annesley's employment?—I work for Lord Annesley by times.

5491. What need you to get a week?—I got 11 s. a week.

5492. Did you tell any persons that you were getting 5 s. a day for the circulars?—No, I said nothing of the kind.

5493. Who was it employed you to deliver the circulars?—They were left of my own house when I was not there; I do not know who left them.

5494. From whom did you get instructions?—I was in the committee-room, but I did not get the circulars there.

5495. Were you in Lord Annesley's employment at the time?—I was not.

5496. Who was it asked you to go out and deliver these circulars?—I suppose it was Mr. Robert Morrow, who is here to answer for himself.

5497. You can answer for yourself; who desired you to go out with them; was anything said about payment?—Nothing at all; anything I did I did gratuitously.

5498. Were you told whether you would be paid or not?—Nothing of the kind said; I never heard money mentioned.

5499. Were any directions left at the house with the circulars?—I just give them to the parties they were addressed to; I knew them.

5500. Did you get any newspapers?—I did not.

5501. You say you knew the parties to whom the circulars were addressed?—Yes.

5502. What townland was it?—Clanvaraghan and Llvaniakay.

5503. Was that on Lord Annesley's property?—Yes.

5504. You were only out two days?—I am not two full days out.

5505. Did you make a report to the committee?—I did not.

5506. Are you quite sure that you did not tell any person what you expected to be paid?—I do not think I did, because I did not expect to be paid anything.

5507. Will you swear that you did not tell any person that you expected to be paid?—I do not recollect it.

5508. Never mind about recollecting it; will you swear that you did not tell any person that you expected to be paid at the rate of 5 s.

W. McCurm.

W. J. Groom. a day?—I do not recollect ever mentioning it to a man.  
 5509. Did you mention it to Patrick Murray?  
 —I do not recollect it. I have very little conversation with the man.  
 5510. Did you tell your wife that you expected to be paid, and that you expected to be paid 5s. a day?—I did not tell my wife.  
 5511. Or any person?—Not that I could name, because I did not expect anything.  
 5512. Did you tell anyone that you did expect it?—To my knowledge I did not, because I never expected anything.  
 5513. You voted, of course?—I did.  
 5514. Have you a farm now?—I have.

Cross-examined by Mr. Monroe.

5515. Were you on the committee?—I was not altogether an appointed member.  
 5516. Did you attend meetings?—Yes, I called in.  
 5517. Were there a number of other farmers upon the committee in the neighbourhood, and acting?—Some, of course.  
 5518. Do you know that each of them occasionally distributed circulars round their own neighbourhood?—Yes.  
 5519. In the same way?—Yes.  
 5520. All acting gratuitously?—Yes, all, everyone.

[The Witness withdrew.]

WILLIAM MARTIN, sworn; Examined by Mr. Shaw.

W. Martin. 5521. You canvassed at the last election?—Yes.  
 5522. For Lerde Hill and Castleburgh?—Yes.  
 5523. Who appointed you to canvass?—I could not say any person appointed me, but I was sent for to go to Castlewella to meet there.  
 5524. Who sent for you?—I cannot say whether it was Mr. Kingsote or not. I am not sure.  
 5525. You got a letter?—I got a notice.  
 5526. Was it sent by Mr. Kingsote?—I cannot say whether it was. I went to Castlewella when I got the notice.  
 5527. You got a list?—I got instructions to canvass in Bangor, so that I went with another person.  
 5528. Who was the other person?—Joseph Parkes.  
 5529. You had some conversation with the Colters?—Yes.  
 5530. You asked them for whom they were going to vote?—Yes, I did.  
 5531. You insisted upon knowing who they would vote for?—I had to know that, because I had to make a report. I wanted to know who they were going to vote for.  
 5532. Whose estate did you canvass upon?—Lord Annesley's.  
 5533. Are you a tenant of Lord Annesley's?—Yes.  
 5534. Did you tell them that you were going to make a report?—No, I did not do any such

thing as to intimate that. I was not such a fool as to do anything of the sort.

5535. You carried about some newspapers, I suppose?—No, I did not.  
 5536. Did you not distribute the papers?—I got papers at the tally-room in connection with the voting; that was all.  
 5537. What sort of papers did you get?—I could not tell you exactly; I have one. Yes, I have one, something about the marking of it (producing a card). Something of that; it does not signify much.  
 5538. Is it a voting card?—Yes; it does not signify.  
 5539. We have that already?—I think so.  
 5540. Was there any arrangement about your being paid for this?—No, there was not.  
 5541. You did not get anything?—No.  
 5542. You did not expect anything?—No, I did not expect anything. I wish I could do more.  
 5543. Were you canvassing in 1878?—No.  
 5544. Were you a voter then?—Yes.  
 5545. You voted in 1878, but did not canvass?—That is in.

Cross-examined by Mr. Kelsey.

5546. Did you act voluntarily?—Yes.  
 5547. You said a moment ago that you wish you could have done more?—Yes; I would do all I could for the voting and the canvassing for Lords Hill and Castleburgh.

[The Witness withdrew.]

ROBERT MONROE, sworn; Examined by Mr. Porter.

R. Monroe. 5548. Did you vote at the last election in Castlewella?—Yes.  
 5549. And in 1878, I suppose, as well?—Not in 1878; but I was canvassing, and also acted as clerk in the tally-rooms. That is the reason I did not vote.  
 5550. Of course you were paid?—I was afterwards.  
 5551. How many days were you canvassing at the last election, in 1880?—I only went for a while a day, when another gentleman asked me to go with him.  
 5552. Were you present at many committee meetings?—I was.  
 5553. You gave up a good deal of your time to the matter?—I did.

5554. Who was the gentleman you went with?—Mr. Murphy.  
 5555. Are you in the employment of the Annesley office?—I am.  
 5556. And bailiff on the estate?—Yes, I am.  
 5557. Were you personation agent at the polling station?—An honorary personation agent.  
 5558. A mere matter of form I suppose. You were there in and about the place during the day, I suppose?—Yes.  
 5559. Did you speak to any of the tenants on the estate about how they were going to vote?—I did not.  
 5560. Not one?—Not a single individual.  
 5561. What do you mean by saying you canvassed

passed part of a day?—In a different district; Maghera.

5562. Did you go to the persons with you deliver any papers or notices?—None.

5563. Newspapers?—None.

5564. You are paid by Lord Annesley of course as bailiff?—Yes, a yearly salary.

5565. You have had no present since the election?—No, nor expect any.

5566. What were you paid in 1878?—I was paid 202.

5567. Did you receive any parcel of papers from Mr. Finnegan?—There were several parcels of papers came to the committee-rooms.

5568. When you were there?—Sometimes there was a man acting there as clerk from Belfast.

5569. Did you receive any of them yourself?—Not that I recollect addressed to me, but they were directed to the committee room.

5570. Did you go for them?—No, they came there by care from Newcastle.

5571. Was that pretty often?—Some odd times.

5572. Did you see them open?—Yes, I saw them opened.

5573. For distribution?—No. Sometimes they were just folded and sent out.

5574. Do you mean folded by the committee?—Folded by the clerk.

5575. Who was the clerk?—Mr. Canning.

5576. From Belfast?—Yes.

5577. Was he there the whole time?—Yes.

5578. Were they addressed to voters?—Not that I recollect addressed to any voters.

5579. What was done with them when folded?—Sent out.

5580. By whom?—Sometimes they were to be sent round with placards, round the districts.

5581. Those were not placards; how were they sent out?—Sometimes sent by hand by the man going with the placards.

5582. Does not that cover a good deal of ground?—Yes. The principal part sent out was the addresses of Lord Hill and Castlereagh.

5583. Without taking about principal or inferior portion, whatever was taken out, who took them?—A man named Weir.

5584. He took the papers?—Yes.

5585. Did anyone else take newspapers besides Weir?—Yes.

5586. Who else?—A young man named Tufts.

5587. Was he in connection with the committee too?—He was not.

5588. How did he take them?—Was he employed for the purpose?—He went out with the car and drove round.

5589. And distributed the newspapers?—I think he might have distributed some, but I think they were principally the addresses at meetings which Lord Hill and Lord Castlereagh attended.

5590. You mean the reports of the speeches?—Yes.

5591. They would be in the newspapers?—Yes.

5592. Did you read all that were sent out?—Very seldom I happened to read one.

5593. Do you happen to know whether any were sent out about the 25th March?—I could not form any date.

5594. At any rate the newspapers which came down were sent down in the way that you have described?—Yes, and some hundreds were put on one side which it was not thought worth while to send out.

5595. Do you think you read those which you thought it was not worth while to send out?—I could not say I read a single paper.

5596. Did you read any of those about the ballot?—I could not exactly say. I just took a glance at it either before or after the election; I could not say. I might read it at night when I be at my own house. I get the papers regularly.

5597. That is a Catholic district, is it not?—Some parts of it is, and other parts are different; some townlands.

5598. The "Ulster Examiner" is a Catholic newspaper, is it not?—I always understood it to be.

5599. Did the "Ulster Examiner" come to your district for distribution?—I do not recollect.

5600. Will you swear it did not?—I do not recollect; I know it did before.

5601. Did not a special reprint of the "Ulster Examiner" come for distribution in that district?—I could not exactly say, but I know in the election before it was largely circulated.

5602. You ought to remember the election of 1880 more than the election of 1878?—It was the "Down Recorder" as often as anything else.

5603. There would be a special reason for sending out the "Examiner" there?—Any paper that came down was distributed to all voters, anybody to whom they belonged.

Cross-examined by Mr. Madsen.

5604. You knew of course in 1878 that any person who was paid or received reward for services could not vote?—Decidedly.

5605. That was the reason you did not vote?—That was the reason I went round canvassing for days, I might almost say weeks, and acted as tally clerk, and as committee clerk on the day of the poll.

5606. They were three kinds of services?—Yes.

5607. I believe you had also acted for two years gratuitously for the Registration Society?—Since it commenced, gratuitously, without ever having asked for payment.

5608. With a knowledge that you would violate the law if you were paid and voted, you did vote at this last election?—I did.

5609. And you were not paid?—I was not, nor do I seek any payment.

5610. Did you act quite gratuitously?—Gratuitously.

5611. Without any hope of reward?—Not the slightest.

Re-examined by Mr. Porter.

5612. Did you see posted at Castlereagh and on the walls in the immediate neighbourhood of it, that copies of the "Ulster Examiner" containing that article about the ballot secret would be published?—I did not, I was seldom out there.

[The Witness withdrew.]

WILLIAM HANNA, sworn; Examined by Mr. Shaw.

W. Hanna. 5613. Did you work at the 1878 election?—Yes.  
 5614. You canvassed I suppose?—Yes.  
 5615. Are you a voter?—Yes, I am a voter.  
 5616. Did you vote at the last election?—I did.  
 5617. What were you paid for your services in 1878?—Nothing at all.  
 5618. You got no present?—Never.

5619. You also canvassed at the last election?—Yes.  
 5620. Who appointed you at the last election?—I got a letter and did not attend it; there was a neighbour told me I was appointed.

[The Witness withdrew.]

JOHN ROBERTS, sworn; Examined by Mr. Murphy.

J. Roberts. 5621. ARE you a Bailiff on the Downshire estate?—I am Harbour Master and general manager on the estate of Lord Downshire.  
 5622. Mr. Kibbey.] It would be at Dundrum?—It is a small station.  
 5623. Mr. Murphy.] Were you canvassing in 1878?—Yes, I was.  
 5624. Was there any regulation for your services, or any agreement about your services, in 1878?—No.  
 5625. You canvassed this time through the district?—I did.  
 5626. I believe you appointed some others as canvassers?—No, I did not; I took it upon myself to canvass only Lord Downshire's estates; part in Castletown district, and part in the Sandford district, the two counties; I did not go beyond them.  
 5627. Quite right, the estates where you are known; in what polling place were you on the day of the election?—Castletown.  
 5628. You voted there?—Yes.  
 5629. Were you speaking to some of the voters in the booth who came in?—No.  
 5630. Did the sheriff's officer call you to order, or do anything of that kind at all?—The sheriff's officer never called me to order that I am aware of.  
 5631. Did he make any observations to you, now; who was it then who did?—Did what?  
 5632. Made some observation as to the way in which you were proceeding in the booth?—When I tendered my vote I was challenged as to whether I was a paid agent or not, and the presiding officer desired me not to answer the question.  
 5633. You did not answer the question?—I did not, but I said I could.  
 5634. Do you mean to say that the presiding officer said nothing else to you than that?—Not that I am aware of.  
 5635. Mr. Baron Fitzgerald.] Who was the presiding officer?—There were two presiding officers; one of them was Mr. Montgomery, and the other was Mr. McIlwain.  
 5636. Mr. Murphy.] Who were the agents in the booth for Lords Hill and Castletown; the gentleman representing some of the estates in the place?—Mr. Morrow I saw there, and Mr. Kingscote.  
 5637. Mr. Kingscote is Lord Roden's agent?—Yes.  
 5638. Is Mr. Morrow agent to any person?—No, he is employed in Lord Annesley's office.  
 5639. Mr. Baron Fitzgerald.] That is the gentleman we have had here?—Yes, my Lord.  
 5640. Mr. Murphy.] Was there any one there representing the Downshire estate excepting yourself?—I think not.

5641. Recollect now, who were the others?—I do not know that there was a personation agent there but myself from the Downshire estate; that is my impression.  
 5642. Who is Thomas Hart; is he one of the tenants?—No, I think he is a man who was employed in the tally-room; he was there I think, but he was not a principal on behalf of the Downshire estate. I do not know whether he was there I am sure; I do not know him in connection with the Downshire estates.  
 5643. Who is George Gray?—He is a doctor in Castletown.  
 5644. Who is John Murphy, of Castletown; is he agent of any property there?—No, I think he is a gentleman who lives within a couple, or two or three miles out.  
 5645. Then John Roberts, yourself, and William Beattie; was John Morgan there?—I did not see him in the booth.  
 5646. Used you to attend any of the committee meetings?—I think two or three times I was in Castletown.  
 5647. Did you take any newspapers amongst the voters at all?—No, I did not take them myself. In my canvass I delivered or gave to nearly each voter, I think to every one, the addresses of Lords Hill and Castletown.  
 5648. Did you give any other newspapers to them?—No, I did not.  
 5649. Did you see any other newspapers given to them by any other persons?—Oh, plenty.  
 5650. Mr. Justice Barry.] Were these newspapers containing the addresses or circulars?—Circulars.  
 5651. Mr. Murphy.] Did you see newspapers given to them by others?—Yes.  
 5652. Used you to be with them when they were giving them the newspapers?—No.  
 5653. Did you see the newspaper of 24th March given to them?—No, I did not see it given, but I knew it was given, because I saw it myself.  
 5654. Did you get a copy of it yourself?—I did.  
 5655. Who left the copy of it with you?—It was sent to me either by the publishing people in Belfast, or from the committee-room; I do not know which.  
 5656. Was there any mark upon it, do you recollect?—I think there was.  
 5657. A little Blue mark?—Yes.  
 5658. Was that about the halloo?—Yes.  
 5659. You saw that a good deal among the people?—Not very much among the people.  
 5660. But some of the voters had it?—Some.  
 5661. A little Blue mark like this (exhibiting a newspaper)?—Yes.  
 5662. Just to give them confidence in their vote?—I do not know about that.

5663. How

5663. How did you chance to see it in the hands of some of the people; did they show it to you?—Going about; I saw it in the committee-room on the table, in fact I saw it; I forgot now though.

5664. With your eyes you saw it; was not that the way?—Of course.

5665. You saw it with the people when you were going about amongst them?—Not when I went amongst them; I knew that they got it; that is to say, I knew that a great number of them got it.

5666. No one knew it better?—No.

5667. Where used the Blue mark to be put upon it to call their attention to it?—The Blue mark I saw was, "Is the ballot secret?" or something of that.

5668. Where used that to be put upon it?—I do not know where.

5669. Was it in the committee-room or used it to come down marked from Belfast?—I got some of them myself sent down from the committee-room; I do not know whether it was from Belfast or from the Castlemellon committee-room they came; I cannot swear that.

5670. You got some of them yourself?—Yes.

5671. How many?—I could not say how many.

5672. You got a bundle of them?—Oh, a lot of them.

5673. For distribution?—Yes, for distribution.

5674. They were all marked?—I think they were; I did not look at them all.

5675. Whom did you send out to distribute them?—I generally gave them to Mr. Teer, a school teacher in the village; he sent them out by this one and the other one.

5676. Broadcast in the town amongst them?—There is no doubt that they were circulated.

5677. Did you send your own servant man or servant boy with any of them?—I think not; I am not sure, but I would have sent them just as anybody else; I have not a servant man though.

5678. That may be; do you have anyone that works about the place?—Yes.

5679. Have you a boy who works about the place?—Yes.

5680. Perhaps he would be called a servant boy; what is his name?—Butler.

5681. And you give any of them to Butler?—I do not recollect who got them, nor do I recollect whether it was myself or Teer who gave them.

5682. It was from you to Teer?—No doubt about it.

5683. You do not know whether it was yourself or Teer who gave them to the man?—No, I do not know who gave them to the messengers.

5684. Then there were several messengers?—Three or four I think, or perhaps five.

5685. Who paid the messengers?—They were paid by Lord Hill and Lord Castlereagh.

5686. Of course, paid by the committee; did you keep an account of the messengers that were sent to show the work which they did?—Indeed I did not.

5687. Who was it vouched for their payment?—I vouched for their payment, but I did it on the faith of Teer, the school teacher, because I was out every day, and then, as a matter of course, I could not attend to the matter.

5688. Teer made a return to you?—He came and made a return; a sort of verbal return.

5689. How much did he return as paid to the

men for distributing the little circular and newspaper?—The newspapers, placards, and all in fact, going about with cards for the election, was always put in one.

5690. Now tell me the lump sum for them?—From 8s. to 2l. each.

5691. Were the messengers certainly four in number?—I think they were.

5692. Can you tell me now again what was the lump sum that through you was vouched for the messengers for distributing the literature; how much was vouched altogether by you; was it 20l.?—No, nor 5l.

5693. Then you recollect the sum; will you give it to me?—I am going as close as I can; something about 4l. 10s.

5694. Can you tell me under what head it was given; was it to you the money came or to Teers?—It was to me the money came.

5695. Was it made payable by a cheque to you?—It was made payable to the several parties.

5696. In a cheque?—In several cheques.

5697. Give me the names of the parties to whom it was made payable in several cheques?—It was made payable to Frederick Butler, one; John Cummings, another.

5698. Was Butler the name of your own boy that you have mentioned?—Yes.

5699. What was the name of the man in your own employment?—He is not in my employment at all; he is a mile away from me.

5700. Did you not give his name to me as that of a person in your employment?—I said I had no men in my own employment; he is a man of Lord Downshire's.

5701. Do you know a man called Waring Green?—I do.

5702. Was he one of those paid by you?—Yes.

5703. How much?—Eight shillings I think.

5704. Did you see any copy of that paper having the article posted in Castlemellon?—No.

5705. Not one?—Not one.

5706. You did not see it posted?—No.

5707. But did you employ some persons to post some placards?—Oh yes.

5708. Did you pay for posting some papers?—Yes, that is the money I have to tell you of.

5709. Part of it?—They were the usual placards used for the election.

5710. Was there a man named Russell with them?—Yes.

5711. These two names are in the accounts for the expenses, W. Green and W. Russell; do you know a man named Edward Maarten?—I know a little of him.

5712. Did you canvass him for his vote?—I think I did.

5713. Perhaps you will recollect what occurred when you canvassed him; did he give you a favourable or an unfavourable answer?—He did.

5714. Which did he give?—He gave me rather an unfavourable answer.

5715. Did you say anything to him then about the office?—Not a word.

5716. You are quite confident of that?—On my solemn oath I never mentioned to him or anybody else Lord Downshire's office.

5717. Can you tell me what day a great number of the papers came down to you having this article about the ballot; was it on the 25th March?—I think it was.

5718. Was it about the day after the paper was published?—About the day after.

J. Roberts.  
—  
23 June  
1836.

5719. You had it sent out as soon as you could after that?—Yes.

5720. You could not tell the number that came?—No indeed I could not.

Cross-examined by Mr. Mease.

5721. I understand you to say that you took upon yourself to canvass the estates in Castlewellan?—Yes.

5722. You did it voluntarily without any payment or any expectation of payment?—I did it voluntarily.

5723. Besides the papers that have been asked about, did you distribute, or see distributed, or send out for distribution, other bundles of papers, the addresses of Lords Hill and Castlereagh?—Yes.

5724. Reports of meetings?—Yes.

5725. The addresses of the tenantry?—Yes.

5726. All those were sent out and distributed?—Yes.

5727. You have been asked with reference to a number of persons acting in the booths; Mr. Kingscote, you say, was there?—Occasionally; in and out.

5728. Did you see Mr. Kingscote interfering, or attempting to interfere, with any voter?—Not the slightest.

5729. Did you attempt to interfere with any voter?—Not in the slightest.

5730. Or any other personation agent that was there?—Not one.

5731. How many personation agents were acting on behalf of Mr. Crawford?—I could not tell you.

5732. A large number?—There were as many as there was on the other side, and I should say rather more.

5733. What class of men were they acting for him?—Mr. Murray—

5734. When you speak of Mr. Murray, who do you refer to; was it Pat, the man in the corner of the court here?—Yes.

5735. What other persons were there besides Pat?—I do not know their names.

5736. What estate is Pat on?—I thought he was on Lord Annesley's; but I am not quite sure whether he is.

5737. Had you seen Pat before?—Oh, often.

5738. Had you been at the meeting at which he said he was placed between the ladies?—No, I had not.

5739. It was your good fortune that you had not; when you went out to canvass these persons did you do more than ask them how they intended to vote; did you use any pressure or any influence of any kind?—Certainly not; only in a few cases where he might be hostile a little to Lord Castlereagh; I reasoned with them, and said he was a good landlord, and just as good a landlord as the Downshires, and things of that sort; I said something of that kind, but beyond that I did not go.

Re-examined by Mr. Murphy.

5740. Was Waring Green the man mentioned; the man examined here?—Yes.

5741. He swore he was not paid a penny?—Yes.

5742. Did you see any landed proprietor, or any land agent, acting as personation agent at all; or the bailiff of any estate, for Mr. Crawford?—I did not.

5743. Of course you knew every tenant there about on the Downshire estate?—Very nearly the whole.

5744. Mr. Justice Barry.] How much do you say you gave Waring Green?—

EDWARD MACARTHY, sworn; Examined by Mr. Porter.

E. Macarty.  
—

5745. ARE you a Voter in the Castlewellan district?—Yes.

5746. Do you know Mr. John Roberts, the harbour master?—Yes.

5747. Did he canvass you for your vote?—Yes.

5748. How long before the election?—Well it might be 10 days, but I do not know how long.

5749. What did he say to you?—He asked me to give my interest to Castlereagh; I said I would not.

5750. What then?—He asked me what I was going to do, and I said I should give a plumper to my landlord.

5751. Who was your landlord?—The Downshires.

5752. Did he say anything about Major Crawford, or did you?—I never spoke about Major Crawford. He said that the Marquis of Downshire was as good a landlord as Major Crawford. I said I was not complaining about my landlord. He had said then that my landlord would shake hands with me to stay my hand, rather than give him a plumper. I said I would not stay at home, but would give my vote.

5753. What did he say then?—He said he wanted my vote; I said I would out-do him, and stand up to what I said. He said he had put down my name, or would put down my name.

5754. Did he say in what way?—He did not say anything more than that. He said he would put down my name. I said he might do for that as he pleased.

5755. Did he say what he would do with your name when it was put down?—No, he did not; he just walked away.

5756. Was that all that passed?—That is all that passed; there were some other little things. He only talked of one thing and another; I did not mind anything much; I could not explain so well anything else that passed.

5757. Mr. Justice Barry.] Was it because you said you would plump for your landlord that he said he would put down your name?—I think, my Lord, it was because I would not agree to what he would say; what he wanted me to do.

5758. Mr. Porter.] What did he want you to do?—He wanted me to divide my vote for Castlereagh and my landlord.

5759. You said you would plump for your landlord?—Yes.

5760. And he said he would put down your name?—Yes.

Mr. Molesworth.] That is not at all the sequence.

5761. Mr. Baron Fitzgerald.] If there is any question in it, the question is, what the man understood

derstood by it. What did you understand by his saying he would put down your name?—I could not take any objection to his doing that.

3762. Was it that he was to put down your name for both?—Oh no, my Lord, I think it was not that; I thought it was not agreeable; he was against me. It might be that or it might not be that; I do not know.

3763. You are a tenant still upon the Downshire estate?—Oh yes.

Cross-examined by Mr. Kirby.

3764. You are still on the estate?—Yes.

3765. Did you go in and vote?—Yes, I did.

3766. Had Mr. Roberts with him a canvassing

list, or a canvassing book, when he was with you, and a pencil in his hand?—No; I did not see anything of the kind.

3767. Did you see a list he had with him?—No.

3768. Did other persons canvass you for Major Crawford?—No.

3769. No one but he?—No.

3770. Did you see persons canvassing about with books and papers in their hands?—I did not; there are not many voters in our district.

3771. You went in and voted?—Yes.

3772. You are on the Downshire estate, and Roberts is on the Downshire estate?—Yes.

3773. Both of you?—Both of us.

[The Witness withdrew.]

ARCHIBALD MORRIS, sworn; Examined by Mr. Stew.

3774. You are a Voter in the Newtonbroda district?—Yes.

3775. Were you employed at the election in 1878?—No, I was not.

3776. Were you a voter in 1878?—Yes.

3777. You voted, I suppose?—Yes.

3778. Did you act as personation agent in 1878?—No.

3779. Did you act in any capacity at all at the election?—I volunteered my services for part of the day, to assist at the election only.

3780. When I asked you whether you were employed, I meant were you working; were you paid anything for that?—Certainly not.

3781. Were you engaged during the last election?—Yes.

3782. In what capacity were you engaged?—As personation agent.

3783. You acted as such?—Certainly.

3784. Was there any mention made of what you were to get for that?—None whatever.

3785. You have not got anything?—Certainly not.

3786. And do not expect to get anything?—Certainly.

Cross-examined by Mr. McDonagh.

3787. Are you a member of Lindsay Brothers & Co.?—I am manager of one or two departments at Messrs. Lindsay Brothers & Co., Belfast.

3788. Acting as personation agent, did you do it gratuitously?—No.

3789. I believe you would not have taken anything of the kind, even if it were offered to you?—I do not think I would; I wish I could do more for the cause.

[The Witness withdrew.]

JOSEPH HANNA, sworn; Examined by Mr. Porter.

3790. Were you a Voter in the Banger district?—Yes.

3791. Did you vote at the last election?—I did.

3792. Were you employed at the election?—I was.

3793. As tally-room clerk?—Yes.

3794. Who employed you?—Mr. Rainey and Mr. Bowman.

3795. They were gentlemen on the committee?—Yes.

3796. What is your general occupation?—General merchant.

3797. Where do you live?—In Banger.

3798. Was it only on the day of the polling that you were engaged?—Two or three days previously.

3799. Were you engaged working two or three days previously?—No, just that day.

3800. Had you been employed at the 1878 election?—I had.

3801. In what capacity?—As personation agent.

3802. Was that the only thing you were employed for?—Yes.

3803. Did you receive any payment in 1878?—I did.

3804. How much?—I believe 2*l.* 2*s.*

3805. Was you employed this time in writing, or was it by word of mouth, in 1880?—It was filling up the tickets.

290—Sess. 2.

3806. Was the agreement with you in writing?—No, there was no writing.

3807. Just by word of mouth?—Yes.

3808. Was there anything said about your pay; how much it was to be?—Yes; I asked about the pay.

3809. What did you say?—I asked whether there would be any pay for it, and they said, nothing.

3810. Do you mean to say that they said there would be no pay?—They said there was to be no pay, that I would get nothing.

3811. Was it in consequence of that that you worked?—Yes. I said I would give them the day, and I would give them another day too.

3812. Did they give you any reason for it?—No. They said there would be no pay for it.

3813. It would have to be done free?—It would have to be done free.

3814. What did you say to that?—I said I would go and give them a day for the cause at any time.

3815. In 1878 were you told that?—I do not remember.

3816. Did you ask in 1878 whether you were to be paid?—I do not believe I did.

3817. How came you to ask in 1880?—It was a mere matter of form.

a 3

5818. Of

E. McCarten.  
22 June  
1880.

A. Morris.

J. Hanna.

*J. Hanna.* 5818. Of course you would have taken pay had it been offered?—I would not like to refuse any money from anybody.

Cross-examined by Mr. Moore.

5819. I suppose you know of these voluntary committees throughout the country working the election gratuitously?—Yes, I was told I would get no pay.

5820. That was the almost universal rule all over the country?—Yes.

Re-examined by Mr. Porter.

5821. Were the committee paid in 1878?—I believe they were.

5822. And it was just the same committee in 1878 as in 1880?—I could not say.

5823. And just the same canvassers?—I could not say.

[The Witness withdrew.]

DAVID HARVEY, sworn; Examined by Mr. Shaw.

*D. Harvey.* 5824. You live in Bangor?—I do.  
5825. What is your employment there?—I have different employments. I am agent for Lord Bangor, and Mr. Ward's estate, I am bailiff for Lord Bangor and Mr. Ward's estate, and I am a house agent on my own account.

5826. At the 1878 election were you employed in connection with the election?—I was.

5827. Are you a voter?—I am.

5828. And you voted?—I did.

5829. You were employed in 1878?—I was.

5830. As a persuasion agent?—No.

5831. Then, in what capacity?—I was in many capacities; I was a canvasser, and doing everything required for the cause.

5832. You were well paid?—I was.

5833. What did you get?—I got 20*l*.

5834. Did you vote in 1878?—I did.

5835. You were employed in 1880 also?—Yes.

5836. In the same capacity?—As a canvasser. It is the third election I have done that.

5837. You were employed in 1874?—I do not remember much about 1874.

5838. You remember the payment?—I do not indeed.

5839. You were employed at the 1880 election, at any rate?—Yes.

5840. Were you as active in 1880 as you were in 1878?—Exactly the same always.

5841. Exactly the same employment as you had before?—Yes, only I had a little more experience.

5842. You had gained some experience?—Yes.

5843. Your services then were more valuable in 1880?—I do not know. My services are always valuable in that respect.

5844. They would be worth more money?—There was no money this time. When I heard there was to be a contest in the county, I set to work without asking who was to pay me.

5845. Do you get your pay afterwards?—There was never anything mentioned about it.

5846. You always get it?—There was no mention of it.

5847. There was no mention about it in 1878?—Not at all.

5848. You got 20*l*?—I did.

5849. There was no payment this time?—There was none.

5850. It was just the same as in 1878, when you did your work?—This time it was distinctly understood there was to be no pay.

5851. There was no mention about pay in 1878 either?—No, not in 1878.

5852. When you got the 20*l*. it was a great surprise to you?—Yes, it was a great surprise to me.

5853. You would be agreeably surprised if you got 20*l*. out of this election?—I was very agreeably surprised then.

5854. Where were you paid this 20*l*. after the election?—To the best of my knowledge six or seven weeks. I do not think it was less.

5855. It may have been three months or less?—I do not think it was three months.

5856. You do not expect anything this time?—I do not.

5857. You did not expect anything in 1878?—I did not.

Mr. Justice Barry.] When a witness, on direct examination, says he does not expect anything, what more do you want? Do you rise to cross-examine him to prove that he does?

Mr. Macdonagh.] I will take any course your Lordship suggests. I am always happy to do so.

5858. Mr. Shaw.] You say it was distinctly stated, that there was to be no payment this time?—I tell you it was distinctly understood, because, a day or two previous to the election, Mr. Bowman, who was my companion, and Mr. Ramey distinctly told the people in the committee room that anyone who chose to work for the cause would get no pay, and if they did not like to do that, they would try and get someone else.

5859. You mean a day or two before the poll?—A day or two. I do not know how many days.

5860. That is, when it came to be distinctly understood?—That is when we came to understand it.

5861. You had been working a good while before that?—I was always working.

5862. Before you understood there was to be no pay?—I was working three weeks, at any rate. As soon as it was known there was to be a contest, I set to work without knowing who was going to pay me.

5863. Mr. Justice Barry.] You did not send in any account in 1878?—No, my Lord, I did not send in any account.

5864. Who gave you the 20*l*?—There was a cheque came to me.

Cross-examined by Mr. Macdonagh.

5865. Had you been working in connection with the registration?—I had.

5866. For how long before the 1878 election?—Since I have known what an election was I have been working.

5867. Had you been so working gratuitously, without being paid?—I had without being paid.

5868. Was



5866. Was that since 1874?—It was.

5869. On the present occasion, without being employed at all, you set to work when you heard there was to be a general election?—I did so from 1874 up to the present time.

5870. Never mind from 1874 up to the present time; I am speaking of 1880; when you first heard of the intended election you set to work?—Yes.

5871. Without knowing who would employ you?—Yes, or without knowing whether I should be employed or not.

5872. You have no claim against any human being for any work you did?—Not the slightest, upon my solemn oath.

5873. Did the public understand that there

was to be no payment this time?—We made them understand.

*D. Berry.*  
25 June  
1880.

Re-examined by Mr. Staw.

5874. You worked at the registration before 1878?—Yes.

5875. And since you got the 20 *l.* you have been working at the registration?—Yes, I have been working always, and will work on still, if I can.

5876. Who is Mr. Bowman?—There are two Bownmans, Robert and James.

5877. Which was it working with you?—James.

[The Witness withdrew.]

JOHN McMERLAN, sworn; Examined by Mr. Murphy.

5878. WERE you canvassing on behalf of Mr. Crawford, for the Liberal Association, about the Bangor district?—I was.

5879. Did you know Mr. Robert Bowman, one of the agents for Lords Hill and Castle-rough?—Mr. James Bowman, junior, was the agent.

5880. Was he one of the canvassers?—Yes.

5881. Do you recollect James speaking to you, or using any argument in his canvassing, about the ballot?—Yes, he used the argument about the ballot being secret, and the vote could be discovered.

Mr. Monroe.] We have not seen Mr. James Bowman.

Mr. Justice Parry.] I think you are right in that objection.

Mr. Baron Fitzgerald.] You cannot give the evidence upon oath, except as to what really happened.

Mr. Murphy.] We will call him.

5882. In the course of your own canvass did you find yourself that any of the voters in this district had a paper with the article in it, and did they speak to you about it?—Yes, and I also found it was hard to persuade them that the ballot was secret.

5883. Did you yourself see the paper with any of them?—Yes, I did.

5884. On the copies you saw was the part where this article was marked in blue pencil?—Yes, marked in blue pencil.

5885. Was it marked at the top or merely down along the side?—Down along the side.

5886. Look at that paper (*holding a paper to the Witness*)?—Yes, that is exactly the kind of paper I saw.

5887. Did you see several of those through the district?—I not only heard it from one, but I heard it from several.

5888. Several spoke to you about it?—Yes.

5889. Mr. Justice Parry.] Voters?—Voters.

Cross-examined by Mr. Monroe.

5890. What is your business?—I am a merchant; I have a variety of occupations; I am a student as well.

5891. I am glad to hear that; had you any employment at the election?—I was secretary of the local committee.

5892. Were you a voter?—Yes.

260—Sess. 2.

5893. And you voted?—I voted.

5894. But of course your services were all gratuitous?—I received no remuneration at all.

5895. They were gratuitous?—They were gratuitous.

5896. How long were you working gratuitously?—At the beginning of the contest.

5897. How long was that?—I do not know how long.

5898. Do you mean that, student and secretary as you are, you do not know how long you were working for the cause?—From the time Major Crawford's address was issued.

5899. Was that three weeks?—I fancy about three weeks.

5900. Did you give your entire time to it for three weeks?—No.

5901. Most of your time?—A considerable part of it.

5902. Of course you expected nothing?—I expected nothing.

5903. You did not ask for any situation in consideration of the work you were doing?—I asked for no consideration, and no situation for the work I was doing.

5904. Or speak about it to anybody?—No.

5905. Or said you expected anything?—Yes.

5906. In point of fact, you, like other people, were doing your work gratuitously?—I was; I expected no payment.

5907. The committees were formed, as you know, the members of it receiving nothing?—Yes, we had a committee of 30.

5908. All of different ranks of life?—Chiefly farmers.

5909. Forming themselves into a voluntary association?—A voluntary association in the Bangor district.

5910. Canvassing amongst your friends?—Yes.

5911. And receiving nothing for it?—No.

5912. Each farmer would get his particular district?—Precisely.

5913. Were there meetings held at which gentlemen on behalf of the Liberal candidate, addressed the constituency?—There was one meeting.

5914. Where was that held?—It was held in the Good Templars' Hall.

5915. In Bangor?—Yes.

5916. Were there reporters present?—Oh, yes.

5917. And published in the "Whig," and "News Letter," I suppose?—Yes.

x 4

5918. And

*J.  
McKeever.*

J.  
D. McKean,  
—  
25 June  
1880.

5918. And distributed amongst the constituency as well as you could?—We had nothing to do at all with distributing the report of that meeting.

5919. Who did it?—Nobody did it, to my knowledge.

5920. Were there any papers coming down at all to the Bangor district from the central committee room?—No newspapers.

5921. Nor copies of the "Northern Whig"?—No, certainly not.

5922. Will you tell me the name of any person with whom you saw a paper about the ballot question and the blue mark?—James Daly.

5923. Who is he?—A voter in the Bangor district.

5924. Anyone else?—He was the man; I said I only saw one.

5925. What is James Daly?—He is a farmer.

5926. Was he on your committee?—He was; well, he had been prior to this election a Conservative, but he had received, as I understand, some bad treatment, and he left them and became a Liberal.

5927. Did the bad treatment make a Liberal of him?—It is only hearsay; I do not know the particulars.

5928. I suppose Daly voted?—Yes; but there were other men.

5929. I do not know about other men, one man is enough at a time; I cannot take in more than one at a time. Did you pay away any money yourself in your own district?—Yes.

5930. How much?—I believe that our local expenses amount to 14 l.

5931. To whom did you pay it?—To the various people entitled to it, who worked for it.

5932. Did you return that to the expense agent?—Yes.

5933. Is it included in the election expenses?—I could not tell.

5934. Where did you get the money from to pay it?—It was subscribed by the committee.

5935. Then it did not come from the expense agent?—It did not.

5936. That is, there was money subscribed by persons in the neighbourhood that came into your hands, and it was dispersed by you?—Yes; Major Crawford's supporters.

5937. It was paid away by you as you got it?—Yes.

5938. I do not understand you to say that the Major subscribed himself to it?—No; we did not think of asking him.

5939. I suppose you got no little present after the election?—I did.

5940. What was your little present?—A gold watch.

5941. What is the worth of it?—Thirty guineas.

5942. Quite right; I am sure you deserve it all?—I suppose they thought so, or they would not have given it.

5943. Who gave it?—It, also, was subscribed for by the Liberal people in the district.

5944. It was a presentation to you?—Yes.

5945. I hope it keeps good time?—At present it does, thank you.

[The Witness withdrew.]

Mr. HUGH WRIGHT, sworn; Examined by Mr. MORPHY.

H. Wright.

5946. I BELIEVE that you live at a place called Craig, in the County Antrim?—Yes.

5947. Do you recollect, in January 1880, being at Mr. McNeill's office, when Mr. Finnegan was there?—Yes, I believe I was.

5948. Making preparation about the contest in the county?—Yes.

5949. I believe you are tenant to another Mr. McNeill, and Mr. Edmund McNeill is agent for him?—Yes.

5950. Had you known Mr. Finnegan before you met him there?—No.

5951. Was Mr. McNeill and his clerk, a man named Michael Woods, present?—Yes.

5952. Was there a man named Maxwell, and Barnett also, present?—Yes, I believe these were the two other men's names.

5953. Do you recollect, after some conversation between Mr. Finnegan and Mr. McNeill, hearing Mr. Finnegan say anything about the "Ballot Act"?—Yes.

5954. What was it he said?—I believe he said it was a farce, that was the term.

Mr. BERN FERGUSON.] When did this take place?

5955. Mr. MORPHY.] January of this year, my Lord. (To the Witness.) Did you say anything to him, or ask him anything about what he meant by it?—Yes, I asked him to explain how it was a farce.

5956. What did he say then?—He said he would explain it with pleasure at the close of the meeting.

5957. Mr. Justice Barry.] At the close of

what meeting?—At the close of that meeting at Craig's Castle.

5958. Mr. MORPHY.] What was the meeting about then?—It was about making preparation for the coming election.

5959. You were told that he was from the Constitutional Association, were you not?—Yes, I got a letter from them.

5960. From Woods, the clerk?—Yes.

5961. He said he would explain it with pleasure, at the close of the meeting?—Yes.

5962. How did he proceed to show you?—

Mr. Justice Barry.] As I understand the Witness (I may be wrong), Mr. Finnegan, on the occasion of meeting in the office, said he would give his explanations at the close of the committee meeting.

Witness.] No; the meeting that we were at.

Mr. MORPHY.] This was in the County Antrim.

5963. Mr. MORPHY.] It was in the County Antrim. (To the Witness.) What did he do at the close of the meeting, in order to show what he meant by its being a farce?—I could not take it on me to go through all the procedure.

5964. Tell us as well as you can?—He asked for a cheque book, and said that the ballot paper was like the part taken off, and the book remained, and somehow by the numbers. I could not go through all of it.

5965. What did he say then could be discovered?—How the parties voted.

5966. Did he say how many could be ascertained?—

tained?—He said there might chance one escape, but I think he said nine-tenths.

5967. Mr. Baron Fitzgerald.] For what purpose was this meeting; was it for any purpose?—I received a letter that there would be a deputation from the Constitutional Association for preparation for the coming election.

5968. Mr. Murphy.] Was he making any arrangement about canvassers?—Yes, there was talk of canvassers.

Mr. Justice Barry.] I understood that this was an accidental meeting and this man was in the office of Mr. McNeil; was it a general meeting or what was it?

5969. Mr. Murphy.] You were told to come there, for what purpose?—I believe the purpose was to further the interests of the Constitutional Association.

5970. Was anything said about canvassers, or making off for the persons who were to be canvassers?—Yes, canvassers were appointed.

5971. Mr. Baron Fitzgerald.] Was this for the County Antrim?—Yes, for the County Antrim.

5972. Mr. Murphy.] Do you recollect his saying anything about what he could do with respect to landlords and their tenants?—Yes; I believe as near as I can remember the words.

5973. What are you reading; when did you write it?—I wrote it down that I might state it.

5974. When did you write it?—I wrote it to-day.

5975. You cannot look at it?—I did not know that.

5976. What was it he said about landlords or tenants, or how they could know as to the votes?—

Mr. Meadenagh.] I am very reluctant to make objections after what I heard from the Bench. This meeting was for the County Antrim, and had no connection with the Down election, and, in point of fact, Mr. Finnigan was not then the agent of Lord Castlereagh and Lord Hill; his appointment as agent afterwards for the County Down was long subsequent, therefore a conversation with him at that time ought not to be received in evidence.

Mr. Baron Fitzgerald.] I do not understand that they offer this as evidence for the purpose of binding any parties here as to what was said or done at the meeting, but as showing what Mr. Finnigan's opinions and plans were, which plans, they say, were used for the purpose of this election. I will not offer an opinion upon the weight of it. You and I may differ as to the weight of it; but that has nothing to do with what we are to decide at present. I do not think we can say that; it is not evidence at present.

5977. Mr. Murphy (to the Witness.)] What did he say about the landlords and the tenants?—That he would be able to send down to the landlords after the election how their tenants voted; that is as near the words I can remember since that time.

5978. You say Mr. McNeil was present at that time?—Yes.

5979. And his clerk, Woods?—Yes.

5980. Can you recollect about what day of the 260.—Sess. 2.

week it was; can you fix the time?—I think it was on the Friday. I could not swear to the day of the week.

5981. Michael Woods was the man who wrote you to come there?—So I believe.

Cross-examined by Mr. Meadenagh.

5982. Are you a voter in the County Down?—No.

5983. I presume you are in the County Antrim?—Yes.

5984. Do you know, in fact, that Mr. Finnigan was not an agent for the County Antrim even?—No, I do not know much about their arrangements; but he was making preparations for the election.

5985. There was some conversation, you say, and Mr. Finnigan was asked a question?—He was.

5986. By whom?—By me.

5987. That was touching the "Ballot Act"?—Yes.

5988. What was your question?—I wished him to explain to us how it was a farce.

5989. Had not you first proposed the question to him before he said it was a farce, according to your account; what was the beginning, the very inception of it; the very origin of it; who opened the matter first; was not it you?—Not that I remember.

5990. You will not swear, positively, that it was not you that opened the matter first?—I would not have known how to open the matter on the "Ballot Act."

5991. I presume you mean to convey that unless you had heard him say it was a farce, you would not have asked the question?—Yes.

5992. Whereupon you asked him to be good enough to explain it?—Yes.

5993. And he did so to your entire satisfaction, did he; were you the farmer to whom he explained it to your entire satisfaction?—I did not express my satisfaction, that I remember.

5994. Did you ever see a letter signed "Inquirer"?—I saw it in "The Northern Whig."

5995. You take in "The Whig"?—Sometimes.

5996. A highly respectable paper; and you saw the letter of "Inquirer"?—Yes.

5997. It may be that you polished it off yourself?—No.

5998. Were you the farmer to whom he explained, satisfactorily, about the ballot?—It may be that I was the farmer meant.

5999. I think so; can you inform me who wrote that letter?—I cannot.

6000. Had you given any information upon the subject to "The Whig"?—No, but I went to my attorney to ask if such things were so.

6001. Who is your attorney?—Mr. Currie.

6002. Did you pay him 6 s. 8 d. for it?—No; he does not charge for small affairs.

6003. Small affairs of that kind?—No.

6004. You went and told him about that?—Yes.

6005. Did you vote at the election at Antrim?—Yes.

6006. You wrote that down to-day (referring to the paper in the Witness's hand)?—Yes, to refresh my memory, to keep me from making a mistake. Those were as near the words as I can remember since that time.

S

6007. This

*H. Wright.*  
29 June  
1880.

H. Wright.

26 June  
1880.

6007. This memorandum was made to-day?—

Yes.

6008. Who desired you to make it?—No one.

6009. Out of your own head?—It was, lest I should make a mistake in the words; those are as near the words as I can remember, and that I swear since that time.

6010. You never wrote down the words, or anything on the subject since January, until to-day?—No, I never expected to be called in question in the matter, and it is to my loss and sorrow that I am here. I do not intend to interfere in election matters any more.

Re-examined by Mr. Murphy.

6011. You said you went to your solicitor after that to ask him about it?—Yes.

6012. Did you tell him what occurred?—Yes, I went to ask if such things were so.

6013. Mr. Baron Fitzgerald.] Did you remem-

ber the scheme better than you do now?—My memory is right, and I still wish to deserve it, and I still wish to keep as near conscience as possible as I can to-day.

6014. Mr. Justice Barry.] Did you understand the plan at the time?—I cannot say that I fully understood it.

6015. Mr. Baron Fitzgerald.] This is the important part of it. Are you sure you remember what he said, that he would be able to send to the landlords the names of the tenants, and how they voted; are you sure that is what he said?—That is as near the words as I can remember.

6016. Mr. Justice Barry.] Are you sure it is the substance of what he said?—Yes.

6017. The meaning?—Yes.

6018. Mr. Baron Fitzgerald.] And it was not that anybody could do it who knew the plan?—He did not say that he would do it, that I know.

[The Witness withdrew.]

JAMES WILLIAMS, SWORN; Examined by Mr. Porter.

J. Williams.

8019. Is your name Williams or McWilliams?—Williams.

8020. You are a civil bill officer?—Yes.

8021. Are you on the registry of voters, and did you vote in the Ballynahinch district?—Yes.

8022. Were you engaged as a canvasser?—I was.

8023. Were you also engaged as a personation agent?—I was.

8024. By whom were you appointed?—I was appointed by the committee of Ballynahinch.

8025. Who was the active member of the committee there?—The secretary was Mr. Ellis.

8026. What is Mr. Ellis?—A coal merchant I should call him.

8027. Were you present at the committee meetings?—Yes.

8028. Did you see Mr. Ellis there frequently?—Yes.

8029. Had you been a voter in 1878?—I was.

8030. Were you employed in the election of 1878?—I was.

8031. In the same way?—Yes.

8032. Were you paid anything in 1878?—I was.

8033. How much?—I think it was 3*l*.

8034. And you did the same work in 1880?—The same work.

8035. Did you vote at this last election?—I did not; I voted this last time, but I did not vote in 1878.

8036. Was anything said to you as to whether you would be paid or not in 1878?—No, not anything.

8037. By no person?—By no person.

8038. Whether you would or not?—Whether I would or not.

8039. Nobody said you would not be paid, and nobody said you would be paid?—That is so; that is in 1878.

8040. Now, in 1880, did anybody say whether you would or would not be paid?—Not to me particular.

8041. To whom?—To the meeting in general.

8042. When was that meeting held?—It was early in April, I could not remember the day.

8043. How long had you been canvassing?—

At that particular time I was not canvassing at all; it was the first meeting called for this election.

8044. Who made the statement?—Mr. Ellis.

8045. What statement did he make?—He read a letter that had come from Mr. Finnigan, to say there would be no paid agents this time.

8046. Mr. Justice Barry.] Was it that there were to be no paid agents, or that paid agents were not to vote?—There would be no paid agents in this place; our committee was a working committee themselves, and they were never paid for anything of the kind except in two cases.

8047. Mr. Porter.] You were paid in 1878?—I was paid 3*l*. I think in 1878.

8048. Mr. Fitzgerald.] But you did not vote then?—I did not.

8049. Mr. Porter.] Were you on the register in 1878?—I was.

8050. On the polling day you were a personation agent yourself?—Yes.

8051. Who were the other personation agents there on behalf of the Conservative candidates?—I do not know of any but myself.

8052. Do you know Mr. Marcus Gage?—Yes.

8053. Was he there?—Yes.

8054. In one of the booths?—Yes, the whole morning.

8055. He is an agent?—Yes.

8056. And he is a magistrate, is he not?—Yes.

8057. Who is Mr. James Graham?—He lives immediately beside Ballynahinch, a kind of private gentleman.

8058. Captain McCamman is a man of private property?—Yes.

8059. He is a personation agent, is he not?—I do not know that he is a personation agent; I think he was rather a booth agent.

8060. In your canvass did you speak about the Ballot Act, and the secrecy of it?—Not to my knowledge; I made very little canvass.

8061. Do you know a man called David Michael Warrin?—Yes, I do.

8062. Did you canvass him?—He lives in Banbridge; I did not.

8063. Did you speak to him about the Ballot Act?—Not to my knowledge; I do not know whether I saw him during the election, or not.

6364. Did

6064. Did you say anything to him about his vote?—I cannot say whether I saw him or not.

6065. Did you say anything to him about his vote, and whether it could be found out how he voted?—Not to my knowledge.

6066. You know the man I mean?—I know David Michael Warren, of Benbridge; he is not in our district, nor has he any vote.

6067. Did you offer to make him a bet whether it would be found out how he voted?—I never made a bet in my life; I am averse to it.

6068. Did you offer to bet 100 l. that his vote would be found out?—I believe I did not.

6069. What do you say "believe" for?—I do not believe I had any conversation with him upon the subject.

6070. Did you believe that the votes could be found out?—Yes.

6071. Did you express it so?—Many times.

6072. Not in the course of your canvass?—Not once in the course of my canvass.

6073. Why not?—Because it was not necessary; I did not consider it necessary.

6074. When was it so necessary; when was it that it became so necessary?—I did not consider it necessary in my canvass; I had two townlands to canvass, and I went round one of them.

6075. You saw Mr. Finnigan's letter?—Yes, I saw the letter in the newspapers.

6076. Did you see it at the committee rooms?—Not to my knowledge.

6077. Did you distribute any papers?—Not one.

6078. Did you see the papers marked?—I cannot say; I saw papers in the committee room; I saw lots of papers in a lump, but I believe I did not read them.

6079. During your canvass you did not once speak of it?—I did not.

Cross-examined by Mr. Murray.

6080. Was it a large meeting where Mr. Ellis spoke?—It was a large meeting.

JOHN CAMPBELL, sworn; Examined by Mr. Murphy.

6089. WHERE do you reside?—Ballynahinch.

6090. Do you recollect prior to the day of polling seeing copies of that paper, having the article about the ballot, "Is it secret"?—Yes.

6091. Where did you see it?—I saw them distributing them through the market.

6092. By whom?—By a man they call Smith.

6093. Was he a bill poster for the Castleknagh committee?—Yes, he gave me two of them at the door stand.

6094. He gave you two?—Yes, at my own place of business.

6095. Was this article about the ballot marked upon those?—I did not open those two that he gave me, but I got some on the day beforehand, and I saw that on the heading of it, but I never opened the two papers, knowing what they were for.

6096. Mr. Justice Barry.] Are you sure it was the same paper?—The "News Letter."

6097. Of the same date?—Yes, of the 25th; it was the market day; they were delivering a great amount.

6098. Mr. Murphy.] The one you got the day

6081. They read Mr. Finnigan's letter?—Yes.

6082. Saying that nobody was to be paid, and that anything to be done should be done gratuitously?—Yes.

6083. Was it upon those terms of understanding that you acted in canvassing as you did?—Mr. Gray said after the letter was read, that he did not think that letter referred to Ballynahinch, because there were no paid canvassers on that committee at any time.

6084. The same letter refers to your acting as persuasion agent; you were not to be paid anything for it?—Rather more; I was a persuasion agent in 1875, and I received pay in 1878, but I did not vote, and in this year, 1880, after having our canvass gone through, when we came to the conclusion that it was at the close of the poll, that the poll would be close for us to spare any voters, we were resolved to give all the votes we could, and give all the services we could gratuitously.

6085. You understood that paid agents could not vote?—Yes, at the time of my appointment, Mr. Gage appointed me; I wanted him not to do so; I told him that I intended voting this time, that I lost my vote last time, and I would vote this time; he said, "Williams, we would rather have you than any two other votes in the place, and we will appoint you." I said, "If you do, you must not consider me a paid agent at this time, for I will vote." It was at the meeting where the appointment of officers took place to our polling booth.

6086. It was generally understood it would be a pretty close contest?—Yes; so we came to that conclusion.

Re-examined by Mr. Porter.

6087. Was Mr. Charles H. Ward, solicitor, booth inspector in your district on the day of polling?—Yes.

6088. On behalf of Lord Hill and Lord Castleknagh?—He was.

[The Witness withdrew.

before was marked?—I did not see, but I read J. Campbell about the secrecy of the ballot in it.

6099. How did you get that one?—I bought it from a newsagent.

8100. And Smith gave you two the day after, when he was distributing them?—Yes, I wanted to see in what way it was put, as I had heard of it.

8101. Were any posted in Ballynahinch?—No, this was the market day, and they were delivering them all round through the market.

Cross-examined by Mr. Kibbey.

8102. You were acting for Mr. Crawford?—Yes.

8103. And canvassed for him?—No.

8104. Shame for you; what were you doing for him in your activity?—I was persuasion agent.

8105. That is all?—Yes, that is all.

8106. What is your business?—General merchant.

8107. In Ballynahinch?—Yes.

8108. Have you many customers?—Plenty of them.

s 2

6109. Some

J. B. Williams  
25 June  
1880.

J. Campbell.  
22 June  
1870.

6109. Some of them in your books?—Plenty of them.  
6110. Some of them voters in your books?—A few there is.  
6111. And you were a personation agent?—Yes.  
6112. Were you paid?—I was not.  
6113. Do you expect any pay?—I do not.  
6114. Did you act in any capacity in the 1874 election?—No.  
6115. Not even as personation agent?—No, but I voted for Mr. Andrews, if you want to know.  
6116. I do not want to know?—And for Mr. Crawford, in 1874.

6117. Did you act in 1874 for the election?—No.  
6118. What other personation agents were there on Mr. Crawford's behalf in the booths?—Hugh McRobert.  
6119. Who else?—Edward Bogen.  
6120. Who is Mr. McRobert?—A decent man.  
6121. Who is Bogen?—He is a flax buyer.  
6122. A flax buyer from people about the markets?—Yes.  
6123. He buys flax from them?—Yes.

[The Witness withdrew.]

Mr. HUGH TURNER, sworn; Examined by Mr. Porter.

H. Turner.

6124. Are you a voter for the county?—Yes.  
6125. Did you vote last time?—I did.  
6126. Where do you live?—Beside Rostrevor.  
6127. Do you recollect shortly before the election receiving some newspapers by post?—Yes, it came on to me by post.  
6128. What did it contain; was that article in it, "Is the Ballot secret"?—Yes.  
6129. Was it "The News Letter"?—I believe it was. I paid no great attention to it. I read that part of it.  
6130. What made you read that part of it?—When I read it, and saw that it said that it was not a secret, I did not think it right at all.  
6131. Was it marked?—I cannot say that, but I understood it was from Lord Castlereagh's side.  
6132. Had you subscribed for the paper or ordered it?—I neither subscribed nor ordered it.  
6133. Did it come to you through the post?—Yes.  
6134. Were there others sent in your neighbourhood?—I do not know of any.

Cross-examined by Mr. Monroe.

6135. Do you live near Rostrevor?—Yes.  
6136. On what property?—It is Harper's.  
6137. Who is Harper?—I have purchased the lease. I have a lease for ever.  
6138. When did you get the lease for ever?—It was in 1861; it might be 1862.  
6139. What is the acreage of your farm?—Well, the Government valuation is 205 acres; in the Government valuation it is stated to be that.  
6140. That is a very nice respectable holding you have?—It is very good.  
6141. Maybe you were acting as a bit of an agent yourself?—No.  
6142. In any capacity?—No.  
6143. Or canvassing at all?—I was canvassing.  
6144. Who were you canvassing for?—Major Crawford.  
6145. You were not an intimidator?—No.  
6146. When did you canvass?—I went in the Waterpoint district.  
6147. How many townlands did you canvass?—I cannot say that I canvassed any townlands. I went for any person I saw, and I told them I thought they should vote for tenant right.  
6148. You did not think it any harm?—I did not. I thought they had a chance of getting the Bill passed.

6149. You wanted to impress your own views upon them?—Yes.  
6150. "Now is the time to strike," says you?—Yes.  
6151. And "strike home"?—Yes, I was not afraid of any person.  
6152. Sure I know you would not be?—No.  
6153. And would not make any person afraid of you?—No.  
6154. Having told them to strike home, did you turn up in the booth at all?—I was there.  
6155. What took you there?—I was sent to personate.  
6156. Who did you go to personate?—Any person; some of the voters who would not have a vote.  
6157. Do you swear that it was to personate the voters that had no vote?—I did not say that; of course it was to challenge any person who, I thought, was not a voter.  
6158. Who appointed you?—I could not say.  
6159. Were you appointed at all?—I think I was.  
6160. Was your name sent in to the sheriff at all?—I could not say, but I went to the magistrate.  
6161. Who signed the paper appointing you?—The magistrate, David Martin.  
6162. Who signed the appointment?—I do not remember. I did not look at it.  
6163. Was it signed at all?—I do not know whether it was or no.  
6164. You never looked?—I may have looked, I do not remember; I did not expect to be called upon it.  
6165. Was it a matter of form?—It is a general form.  
6166. You were not given very much?—I had plenty to do.  
6167. You were not doing very much in the matter of personation?—I was doing a little.  
6168. How long were you there?—The greater part of the day.  
6169. Had you many comrades?—There was.  
6170. How many were there?—I think there was about three, besides me; I believe there was another man, but he was too late; he did not get the magistrate's letter in time.  
6171. That was a fourth man?—Yes, for the different districts.  
6172. They were in one booth?—Yes.  
6173. There were four of you for Mr. Crawford, in one booth?—Yes.  
6174. Personation agents?—Yes.  
6175. How many booth agents, besides the personation

sonation agents, were there; four more?—No, I think only two.

Re-examined by Mr. Porter.

6176. Was there any landlord there as personation agent on behalf of Major Crawford?—No, as far as I know, there was no party there.

6177. Do you know Major Hall?—Yes.

6178. Of Narrow Water?—Yes.

6179. He is one of the largest landed proprietors in the neighbourhood?—Yes.

6180. Do you know Mr. Michael Fraser, of Newry, attorney?—Yes.

6181. Did Mr. William Fraser vote?—I understand he did; I understood he went to Newry to vote.

6182. And I find his 50 guineas in the election expenses?—I heard so.

6183. Do you know Mr. John Watson?—Yes.

6184. What is he?—He is agent to Mr. Batt.

6185. Major Hall appears as personation agent; Colonel Moore appears as personation agent, who is he?—A brother-in-law to Major Hall.

6186. Mr. Robert McNeill, who is he?—He is bailiff to Mr. Batt.

6187. Who is Mr. Joseph Mervin who also appears as personation agent?—He is a landlord.

6188. Has he property?—Yes.

6189. And tenants?—Yes.

8190. Mr. Robert A. Jones, who is he?—A druggist in Warrenpoint.

6191. And David Richards?—He lives private in Warrenpoint.

6192. Mr. David Coburn, who is he?—I believe he is a bailiff to Major Hall.

6193. Mr. Moore? Did you see Major Hall in the booth?—Yes.

6194. Was he behaving himself with ordinary propriety at all?—I think he was trying to get all the voters he could up.

6195. Did you see him misbehaving himself?—No, I did not see him misbehaving himself, but I did not know whether he had the right to be there or not.

6196. He was behaving nearly as well as you behave yourself?—If he was there he must keep quiet.

6197. You were not paid for your services?—No.

6198. Were you engaged in the same capacity in 1878?—I was.

6199. For whom?—Mr. Andrews.

6200. Of course you were not paid then either?—I was not.

6201. And never expected it?—No.

6202. People were acting voluntarily all through?—Yes, and, of course, I was; some parties were not.

6203. Who were the parties?—I could not say.

[The Witness withdrew.]

Mr. JOHN PALMER, sworn; Examined by Mr. Stow.

6204. YOU are a Voter?—Yes.

6205. And voted at the last election?—Yes.

6206. You also voted in 1878, I suppose?—Yes.

6207. Were you employed at all in 1878?—Yes.

6208. What were you doing?—I was a canvasser.

6209. What did you get for your services?—Not anything.

6210. Are you sure about that?—I am.

6211. That is in 1878?—Yes, I know what you mean.

6212. Did you get any money at all in 1878, any election money?—No.

6213. You got no present at all?—No, nor any present.

6214. You were not paid in this election of 1880?—No.

J. Palmer.

Cross-examined by Mr. Kivley.

6215. You have been canvassing 30 years gratuitously, whenever there was an election, for the Conservative party?—Nearly 40 years.

6216. And may you live long to do so?—I never received money from man or woman, never.

[The Witness withdrew.]

Mr. HENRY KINGHAM, sworn; Examined by Mr. Murphy.

6217. WHEN you canvassing in 1878 for anyone?—I was, and long before it.

6218. For whom did you canvass in 1878?—Lord Castlereagh.

6219. Did you get any little present after the election was over?—I got some car hire that I had hired in cars.

6220. How much was it?—£. 2, and it did not pay half of my expenses either.

6221. Did you send in any account for it?—I spoke for my car hire to them at the time, and that was all I got; it was in the month of July.

6222. How long after the election?—I cannot say what time it was.

6223. Do you know how many months after the election you were paid?—I cannot say I had no reason to set down dates about these things.

6224. Was it for cars that you had hired that you were paid?—Yes, I was in Downpatrick and Newcastle with the car.

6225. Whose cars had you there?—I think they were Lord Castlereagh's cars.

6226. Who paid for the cars?—How do I know.

6227. You do not know who paid for the cars?—I do not.

6228. It was not you paid for them?—One time it was, but I was paid a little remuneration.

6229. A little remuneration for your trouble?—No, for the car hire.

6230. Who did you pay for the cars?—The parties I took the cars of.

6231. Tell me any one man you paid any money to?—I could not tell at this time.

6232. And you kept no account of them?—Not the least.

6233. Were you asked to send in your account?—I was not.

6234. Where did you get the money?—I think I got it from Mr. Harris.

6235. Did you send in the account yourself without

H. Kingham.

*H. Kingston.* without being asked?—I did not send in the account, but I asked at different times for it.  
 6236. Were you canvassing this time?—I was.  
 6237. Who asked you to canvass?—The conducting agent, Mr. Ellis.

6238. Did he say anything to you about payment?—Not the least; he said there would be not a penny for expenses, whatever we spent.  
 6239. Not even for expenses?—Not even for expenses.

6240. Not even for car hire?—Not even for car hire; whatever we paid would be out of our own pocket. I have been canvassing nearly 50 years.

Cross-examined by Mr. Macdonagh.

6241. You have been canvassing nearly 50 years?—Yes.

THOMAS STRONG, sworn; Examined by Mr. Porter.

*T. Strong.* 6251. ARE you connected with the Dromore District?—Yes.

6252. And voted there the last time?—Yes.

6253. I believe you are county cess collector, and poor rate collector?—Yes.

6254. Accustomed to go from house to house for reward?—Yes.

6255. Did you canvass the last time?—Yes.

6256. Did you canvass in the previous election of 1878?—Yes.

6257. In the election of 1878 were you paid?—No.

6258. Nothing?—No.

6259. Nor got any present?—No present of any kind.

6260. Who hired you to canvass in 1880?—The other collector invited me.

6261. What is his name?—James McMeekin asked me to go in to Dromore with him.

6262. What did you do at Dromore?—We went to the committee meetings.

6263. Were you employed then?—No.

6264. Were you told to canvass?—We were asked whether we would take any place to canvass.

6265. Did you get a list?—Yes.

6266. Did you and he go together?—Yes.

6267. Had you been there before in 1878?—No.

6268. How many days were you out?—A few days.

6269. Do you expect to be paid for it?—No, certainly not.

6270. Did you ever say you did?—Not that I remember.

6271. Did you ever say you were to be paid for it?—Not that I remember.

6272. It is not so long ago that this happened; did you ever say to anybody that you were to be paid for canvassing this year?—Not that I am aware of.

6273. Do you know a man named Thomas Bickerstaffe?—Yes.

6274. Did you ever say so to him, that you were to be paid 5 l.?—I never did.

6275. Did you ever say anything to him about payment?—Not that I am aware of.

6276. It is not so long ago; did you talk about payment to him?—No.

6277. Have you a brother, Henry Strong?—Yes.

6242. Were you paid ever for canvassing?—Never; I canvassed for Lord Hill Trevor, Colonel Forde, and Mr. Ker.

6243. In 1878, did you hire cars?—Yes.

6244. Did you pay?—Yes, for those cars.

6245. Were you repaid that 2 l.?—No.

6246. Was it sufficient to repay you?—No.

6247. Was it for the cars that you were repaid?—Yes.

6248. And not for any services?—No.

6249. On the present occasion you gave your services?—Yes.

6250. You were distinctly informed that there was to be no payment?—I have been speaking of papers. I never heard about the papers being marked, never in my life. I never saw a marked paper to this day.

[The Witness withdrew.]

6278. Did you say to your brother that you were to be paid?—No.

6279. That you were to be paid?—I said, if I could make a 5 l. note of it, it would be well, but I thought there would be no chance.

6280. When did you say that to him?—When talking in joke.

6281. When was it?—I cannot remember.

6282. After the election?—I would not really say; it was merely a joke.

6283. Was it after the election or before it?—I cannot say.

6284. Did you say anything in joke to Bickerstaffe about it?—Not that I am aware of.

6285. You could not say it without being aware of it; did you expect anything?—No.

6286. What made you say you did?—I did not say I did.

6287. Did you say it would be well if you could make a 5 l. note?—I was talking about it.

6288. Was it about the canvassing at the election?—Yes.

6289. You have no other business except poor rate collector and cess collector?—I have a farm.

6290. You left your farm at a busy time of the year and went canvassing; how many days were you out?—A few days; I cannot say how many.

6291. Will you swear that you did not say you expected to get 5 l., but it might be two months before you would get it; did you say that to your own brother?—I did not.

6292. Nor anything about when you would get it?—No.

6293. Or two months?—No.

6294. Or any money at all?—No, except in joke.

6295. What did you say in joke?—I told you before.

Cross-examined by Mr. Monroe.

6296. You got nothing in 1878; had you canvassed in 1878?—Yes.

6297. How long had you canvassed in 1878?—A week. I could not remember exactly.

6298. You say you went into the committee before you commenced your canvass at this last election?—Yes, by the invitation of McMeekin.

6299. Was Mr. Dixon or Mr. Brush there?—They were.

8300. Did



6300. Did you hear Mr. Dixon or Mr. Brush say anything about canvassers not being paid?—Yes, any one that liked to take a few townlands might, and they need not expect any payments for it.

committee that no person should be paid for canvassing?—Yes.

6302. Was it with that full understanding that you undertook the duty of canvassing?—It was.

[The Witness withdrew.]

*T. Strong.*  
—  
22 June  
1880.

LEONARD CALVERT, sworn; Examined by Mr. Stans.

6303. You are voter for the county?—Yes.

6304. And you voted at the last election?—Yes.

6305. Were you engaged on behalf of the Conservative candidates at all?—Yes, I was engaged voluntarily.

6306. Were you engaged to canvass?—I was not.

6307. What were you engaged for?—We formed a sub-committee in Comber for forwarding the Conservative cause.

6308. How did you act?—As a member of the committee.

6309. What did you do as a member of the committee; did you canvass?—I did. I helped to canvass, and assisted in the canvass.

6310. You canvassed in 1878, I suppose?—I did.

6311. And what were you paid for your services in 1878?—Nothing.

6312. Are you sure of that?—I swear it.

6313. You did not get a present?—I did not.

6314. Do you know a man called Robert Todd?—Robert Todd of where?

6315. Do you know Robert Todd at all?—I do.

6316. Had you any conversation with him on the day of polling?—I did not to my knowledge.

6317. Had you any conversation with him at any time?—I had several conversations with Robert Todd, of Comber.

6318. You had some conversation about voting, had you?—I had not.

6319. What about?—I had no conversation that I remember on the day of voting at all.

6320. I did not say the day of voting; any day before the election?—Not about his vote.

6321. About your own vote?—No.

6322. Or about the election at all?—I may have had a conversation.

6323. What was it about; had it any reference to the election?—Not that I remember; they were then posting the bills; he employed men to post bills for the committee.

6324. Had you any conversation with him upon the subject of your employment at the election?—Decidedly not.

6325. Did you say to him that you would do the canvassing for nothing, and get paid for something else?—No.

6326. You never used the words?—I swear I never did to him or to any other man.

6327. Who did you employ as bill poster?—I never employed any one.

6328. Did Todd?—I do not know whether he did or not.

6329. What was the conversation about the bill posting?—He got the bills from the committee-room, not from me.

6330. Who did?—Todd.

6331. And he posted them?—I do not know whether he did or not.

6332. But he was employed to post them?—He was not; he took the bills away; he was asked to put them up.

6333. Was this what the conversation was about?—It may have been that.

6334. Did you get any papers, or did Todd get any newspapers for distribution?—From me, do you mean?

6335. No, from any one?—I do not know. I am not answering for what he did.

6336. Did you get any papers to be distributed?—I did. What do you mean by papers?

6337. Newspapers?—I did not.

6338. You did not distribute newspapers?—I did not.

6339. Did you see any in the committee-rooms?—Always.

6340. Did you see a number of papers there?—Yes; at every public meeting that there was, there were numbers of papers sent up to the Comber committee.

6341. Did you see the newspaper with the article about the ballot; was it secret?—Not in the committee-rooms. I got a newspaper every day.

6342. With that article?—Yes.

6343. Do you know the number that contains that article?—I see "The News Letter" every day.

6344. Did you see that paper in the committee-rooms?—I did not.

6345. You never saw a number in the committee-rooms at all?—I did not.

6346. Nor anywhere else?—I told you I saw it in my own house.

6347. That is the only one, you swear?—I would not swear it; I saw some papers occasionally in every man's hands.

[The Witness withdrew.]

MICHAEL McCARTAN, sworn; Examined by Mr. Murphy.

6348. You live near Castlewells?—I belong to Castlewells.

6349. Do you recollect seeing any strips of paper posted up there before the polling-day?—Yes, I recollect seeing one or two strips of paper posted on the wall outside Castlewells. It was headed, "Taken from 'The Ulster Examiner,'" or words to that effect in large letters; and 250—Sess. 2.

there were two columns; in the first column there was an article headed, "Is the Ballot secret?" taken from the "Belfast News Letter," and in the other column a letter from the Rev. Hugh McKane, parish priest of Innishannon.

6350. What days, do you recollect, was it that you saw it posted up?—I remember seeing them on

*L. Cohert.*

*M. McCartan.*

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22 June  
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on the Sunday, and also on the Monday; on this Monday there was a public meeting of Major Crawford's supporters in Castlewallan. I drew the attention of the reporters to that.  
6351. You saw posted up, "Is the Ballot secret?"—I did.

Cross-examined by Mr. Macdonagh.

6352. I understand the meeting was on the Monday?—Yes.

6353. And the Sunday before the intended meeting you saw these slips?—I saw some on the day of the meeting.

6354. And they were two contradictory statements; one the article, "Is the Ballot secret?" and the other, the argument of the reverend gentlemen?—I do not know what you mean by contradictory; there was nothing whatever in the letter of the clergyman contradictory of the article on the secrecy of the ballot.

Re-examined by Mr. Murphy.

6355. There was nothing in the parish priest's letter referring to the ballot, or contradictory of that article?—Nothing whatever.

6356. What was the letter?—A letter of the parish priest, in reference to the County Antrim election.

Mr. Macdonagh.] Unless you produce it, I object.

Mr. Murphy.] Was it in favour of Lord Castlereagh, or the other side?

Mr. Macdonagh.] I found it had no reference whatever to the subject-matter, and I do not refer further to it.

JOHN BOAL, sworn; Examined by Mr. Porter.

J. Boal.

6367. ARE you a voter in the Newtownards district?—Yes.

6368. And you voted at the last election?—Yes.

6369. In 1878 did you vote?—Yes.

6370. In 1878 had you any employment in connection with the election?—No.

6371. Did you canvass in the year 1878?—I think I did a little; very little.

6372. Did you engage cars in 1878?—I did.

6373. Did you receive any money in 1878?—No.

6374. In connection with it?—Not for the election.

6375. What for?—Not then.

6376. Did you receive any money after the election of 1878?—Yes; I paid some of the cars, and I received something for travelling expenses.

6377. You were repaid travelling expenses and payment for cars?—Yes.

6378. How much money came into your hands?—I cannot tell; I paid a good many cars.

6379. Did that come in one lump?—Different times.

6380. Did you send in an account in 1878?—No.

6381. Did you send in several accounts?—Just the cars I engaged.

6382. Then you send in accounts?—No; no accounts.

6383. Did you send in any accounts to any person connected with the then candidate?—Those

6357. Mr. Murphy.] Was it in any way on behalf of Mr. Crawford?—None whatever.

6358. I should have asked you whether you were in the polling-booth in the Kilkeel district?—I was on the day of the election.

6359. Who were there on behalf of Lord Castlereagh and Lord Hill?—I saw three clergymen there; one of them, however, only remained part of the day; he had no declaration of secrecy, and he had to leave; and there was Mr. Henry, agent of the Dromore estate, and Mr. Moore, and two or three others.

6360. Mr. Moore, what is he?—He is a magistrate; his father is Mr. Moore, the solicitor; he is in charge.

6361. Is he a landed proprietor himself, or agent?—He may be.

6362. Mr. Henry was the agent of the Dromore estate?—Yes.

6363. That is a very large estate in that district, is it not?—Yes.

6364. Was there any proprietor in the same condition; a large landed proprietor acting for Mr. Crawford?—Mr. Gordon, of Kilkeel, was there a very short time. I do not know whether he is a landed proprietor.

6365. Has Mr. Gordon a house of business in Kilkeel?—He is a shopkeeper.

6366. Mr. Macdonagh.] There were several persons on behalf of Major Crawford there?—Mr. Gordon and Mr. Sheehan only remained there a little; another man, of the name of Grange, remained all the day.

[The Witness withdrew.]

men having the cars gave me the accounts I sent them in; they gave them themselves.

6384. Did you send in an account of travelling expenses?—No.

6385. How came you to be paid it?—I do not know.

6386. How much were you paid?—Some few pounds.

6387. How many pounds?—Three or four.

6388. Where did you canvass?—I canvassed one townland.

6389. In 1878?—Yes.

6390. What were you doing at the election?—I engaged cars the same as at the election before.

6391. Was it by arrangement with anybody that you did that?—No.

6392. How many cars did you engage?—I think 18 or 20.

6393. Have you a list of them there; perhaps I may look at it?—Yes. (A book was handed to the learned Counsel.)

6394. Is this paid for cars?—Yes.

6395. Is that in this present year?—Yes.

6396. Did this money pass through your hands?—Most of it did.

6397. I see there is one here, "Farmer Johnson, 10 guineas." Who is farmer Johnson?—It is not farmer.

6398. It may be James?—That is not a car.

6399. Is that page cars? Is that page connected with the election?—No; that is not cars.

6400. Is it connected with the election?—No. I have

I have not the number; I think there were 18 or 20.

6401. What is this book about? Is it a private memorandum-book of your own?—It is.

6402. I do not want to know anything about your business?—I did not have the number of cars.

6403. I find Mr. Cooper gave two cars on the day of the election?—That is the account.

6404. Has the column of money ticked off anything to do with the election?—No.

6405. Is it your own private affair?—Yes.

6406. Leonard Mackay has that any reference to the election?—No; I cannot say.

6407. Is that a list of them?—James Boyle, two; John Hanna, two; John Mahon, two.

6408. I would like to know what "James Johnson, 10 guineas," which I read out, is for?—There was no James Johnson there.

6409. I read 10 guineas out of the page you gave me; what was that 10 guineas to James Johnson for?—I do not remember, it is some of my own accounts.

6410. Do you swear that?—Yes.

6411. I find "J. Johnson," in the election expenses, 10 guineas; that is a curious thing. What is that 10 guineas for? It may be a coincidence. Open the book and look at it?—That is a young man engaged in the tally rooms.

6412. And that page is in reference to the election?—Yes.

6413. But, if he was engaged in the tally rooms, what had you to do with him?—I had his account.

6414. Were the accounts sent to you?—Yes; I was to pay him.

6415. Did you pay him?—I did.

6416. Did you pay the persons whose accounts are there?—I think so.

6417. Did you know that perfectly well when you told me that that had no reference to the election?—I did not.

6418. "Michael J. Graham, 5*l*."; what is that?—He is a bill-poster.

6419. Did you pay him?—I did.

6420. "William McGowan, 5*l*."?—Yes.

6421. Did you pay him that?—Yes; he is a bill-poster.

6422. "Mr. Robert Moore, 2*l*."?—Yes.

6423. Those two men were paid 5*l*. for bill-posting?—Yes.

6424. In your district?—Yes.

6425. "Mr. Robert Moore, 2*l*."; what is that for?—Tally rooms.

6426. What was he in the tally rooms for?—He was not in the tally rooms.

6427. What did you pay him 2*l*. for?—For the man; it was the Misses; it was not Robert Moore, it was Mrs. Moore.

6428. You have given four or five different answers?—I am speaking the truth.

6429. Is it for the hire of the tally rooms?—Yes.

6430. You paid him 2*l*.?—His wife.

6431. "Thomas T. Woods, 15*s*. 3*d*."; what is that for?—He was tally room clerk.

6432. Is he a voter?—No.

6433. "James Heaney, one guinea"; what is that for?—Is he a voter?—No.

6434. "James Brown, two guineas"; what is that for?—That was paid for care.

6435. "Mick Broome"; is he a voter?—No.

6436. "McNeary, 3*l*."; what is that for?—Messengers.

6437. Then "James Johnson, 10 guineas."

Is William Johnson a voter?—Yes; he did not receive anything.

6438. What do you mean by writing down 10 guineas in that way in the book?—It is William Johnson.

6439. I ask you as to James Johnson?—You said William.

6440. What is James Johnson for?—He was committee-room clerk.

6441. Was he a personation agent; is that James McCully Johnson?—No; he is a little boy.

6442. Ten guineas; is he the son of James McCully Johnson?—No; he is the son of William Johnson.

6443. What age is the little boy?—I suppose, 16.

6444. How long was he working?—I suppose, he was working three weeks.

6445. Was it paid to him or to his father?—Did you pay it yourself?—Yes.

6446. To whom did you pay it?—His father.

6447. His father is a voter?—Yes.

6448. Mr. Justice Barry.] What was the little boy doing?—He was engaged the whole time.

6449. At what?—In the committee-rooms.

6450. As a clerk?—Yes.

6451. Mr. Porter.] What was he doing as clerk; I suppose there were not many letters to write?—There was a great deal to do.

6452. What was he doing?—He was writing the whole time.

6453. Writing what?—What there is to do in a committee-room.

6454. Directing newspapers?—I do not know what he did.

6455. Was he directing newspapers?—I cannot say; he was writing.

6456. You swear that you do not know what he was doing, and you gave his father 10 guineas?—He was working the whole time.

6457. "William Heron, 4*l*. 10*s*."; what is that for?—He was doorkeeper.

6458. "John Heron, 5*l*."; what is that for?—William Heron is doorkeeper, and John Heron bill poster.

6459. "John Stewart, 8*l*."; what is that for?—Working in the committee-rooms.

6460. What was he doing in the committee-rooms?—I do not know what he was doing.

6461. Did not you pay him the money?—I did.

6462. What did you pay him for?—Work.

6463. What work?—Working in the committee-room.

6464. What work?—I think he was personation agent.

6465. Did you pay him 8*l*. as personation agent; on your oath, can you say anything else he did?—Yes.

6466. What was he doing?—Working the whole time.

6467. What at?—Writing.

6468. Did you swear, just now, you did not know what he was doing?—No.

6469. Whom did you give the money to?—John Stewart.

6470. What is his age?—I do not know.

6471. Is he a grown-up man?—I suppose he is 20.

6472. Does he live with his father?—Sometimes.

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6473. Is

J. Doel.  
22 June  
1880.

J. Bee.  
S. J. Carr  
1880.

6472. Is his father a voter?—He was away, over in England.

6474. Is his father a voter?—I believe he is.

6475. Did he come over from England and vote?—No; this young man has no vote.

6476. Did his father vote?—I do not know whether he voted.

6477. Was the young man in England?—He was in England or Scotland, and came home lately.

6478. Can you say a single thing he did during the election for the 51.?—I can.

6479. "William Blackley, 41. 15 s."; what is that for?—He gave his work.

6480. What was it for?—I do not know.

6481. What sort of work was he doing about the committee-rooms?—I cannot tell.

6482. Do you swear that?—Yes.

6483. What did you pay the money for?—When the account was sent down, I got a cheque, for I was right to give him a cheque.

6484. What cheque?—When he was paid.

6485. Whose cheque?—A cheque.

6486. What cheque; who gave you the cheque?—It came from Mr. Howe.

6487. Was it a cheque of Mr. Howe's?—I do not know.

6488. Were these separate cheques for each of the people?—Yes.

6489. For each of these?—Yes.

6490. "Samuel M'Barnay, 51."; what was that for?—Care.

6491. "Samuel Burr, 41. 12 s."; what was that for?—Care.

6492. "Samuel Byrne, 61. 15 s."; what was that for?—Care.

6493. "James Macnawley, 21. 10 s."; what was that for?—Care.

6494. "James McKay, 11. 5 s."; what was that for?—Care.

6495. "Hugh M'Robert, 11. 5 s."?—The same.

6496. "William Cooper, 31. 10 s."; what was that for?—Care.

6497. "Robert McCraen, 11. 5 s."; what was that for?—Care.

6498. "John Hanna, 61. 12 s. 4 d."; what was that for?—For care.

6499. All these that I have read was on the day of the election?—It was the day of the election.

6500. "William Hinson, 131. 2 s. 6 d."; what was that for?—Care.

6501. "John Mahon, 231. 7 s. 6 d."; what was that for?—Care.

6502. What is he?—He keeps a posting establishment.

6503. How many cars had he working?—Many.

6504. Did not you say you engaged the cars?—Not all.

6505. Did you engage John Mahon's?—Sometimes.

6506. Did you engage these?—No, I did not engage all these.

6507. Did you engage any cars of John Mahon's for the election of 1880?—Yes, I went often and got cars from him.

6508. Did any one vouch this account?—What do you mean by that?

6509. Do you not know what vouching, checking is?—I checked it over.

6510. Who gave them in to you; "Thomas Fair, 21. 4 s."; what is that for?—Care.

6511. "Robert Shaw, 10 s."; what is that for?—Care.

6512. "William Ditty, 101."; what is that for?—Clerk in the committee-rooms.

6513. Another clerk in the committee-rooms. Has Ditty a vote?—No.

6514. What relation of Ditty has a vote?—I do not know.

6515. What age is Ditty?—I suppose 17 or 18.

6516. To whom did you pay the money?—To himself.

6517. Has his father a vote?—No, he has no father.

6518. "James M'Roberts 11. 5 s."; is that for care?—Yes, for care.

6519. The same body, "Hinton, 15 s. 3 d."?—

Mr. Baron Fitzgerald.] What is this for; to the credit of the witness?

6520. Mr. Porter.] Yes. (To the witness.) You distributed all this money?—Yes, all that is there.

6521. Nothing more?—No.

6522. You were engaged a considerable time?—Not by any person.

6523. What is your ordinary occupation?—I keep a farm.

6524. You leave your farm at the busy time of the year, and you swear you were not to be paid?—No.

6525. Not to be paid anything?—Not a shilling; I do not work for pay.

Cross-examined by Mr. Maurice.

6526. Is this Newtownard's district a very extensive district in the county?—Very large.

6527. And there are a large number of voters in it?—A great number.

6528. Was it the central district through which circulars and papers were sent out to Cambar and all the places round?—Yes.

6529. There were three clerks?—Yes.

6530. William Ditty, John Stewart, and James Johnston?—Yes.

6531. Was James Johnston a law clerk?—Yes, he was.

6532. At 1 l a week?—Yes.

6533. In Mr. O'Rourke's office?—Yes, and he might have remained there if he had stayed.

6534. He was a very experienced clerk, able to do the work well?—Yes.

6535. Do I understand that these accounts sent in to you, and when vouched by you, were sent forward to the expense agent, Mr. Howe?

—They were sent forward.

6536. And in each instance you received a cheque for the particular individual for the amount of the account?—Yes.

6537. And merely handed it over?—Yes.

6538. So that you never cashed any cheque, but handed it over?—Never one.

6539. In point of fact, no actual money passed through your hands at all?—Not a shilling.

6540. Was Mr. Manley in charge of the district as conducting agent?—He was.

6541. Do you recollect one of the earliest meetings of the committee, Mr. Manley attending, and saying that there could be no payment given to any person?—He told that at two or three meetings.

6542. What did he say?—He said they were to understand there was to be no payment to any one, canvassers or any.

6543. Did he say what the nature of the offence

offence was, if any person who was paid was to vote?—He did.

6544. What did he say about it?—That they would be deprived of their vote.

6545. Did he tell them that it was a criminal offence that they would be guilty of?—He did.

6546. Were there a number of other persons acting in the same district with you on the committee?—Yes; it was a large committee.

6547. How many persons were acting upon that committee?—I suppose, 30.

6548. All acting voluntarily, without paying?—Yes, between 30 and 40.

6549. Was that committee organised by yourself to carry out the work for Lord Castlereagh and Lord Hill, and to act gratuitously?—It was.

[The Witness withdrew.]

WILLIAM CROSSAN, sworn; Examined by Mr. Murphy.

6550. WERE you canvassing at the last election?—Yes.

6551. Were you canvassing in 1878?—Yes.

6552. What were you paid in 1878?—I got no pay for canvassing.

6553. It is not for canvassing; what is the present?—No present.

6554. What money did you get in 1878?—I got 1 l. 0 s. 6 d. for travelling expenses.

6555. Where were you travelling to?—To Belfast several times.

6556. Did you keep an account of the travelling expenses to Belfast?—Yes, and other things.

6557. Did you go on work of the election to Belfast?—I went to Sir William Johnson for one; he was on the list.

6558. Did you call at the office often when you went to Belfast, Mr. Finnigan's?—I think only once.

6559. Did you go to Belfast this time too; had you travelling expenses this time also?—No, no travelling expenses.

6560. And you did not go to Belfast at all?—I was in Belfast, and I was on another errand, and called on Mr. Finnigan.

6561. Did you get any papers out of the office; newspapers?—No.

6562. Did you distribute any newspapers at the committee-room at Newtownards?—It was a sub-division of Comber.

6563. And of course you were on the committee there?—Yes.

6564. And you got the newspapers there to distribute?—I never distributed any, but I got one for myself, if I cared to lift it, if I liked to take one; but I took none to distribute amongst neighbours.

6565. Did you see the ones coming there with the blue mark upon them?—I did not.

6566. Did you see the papers about the ballot?—Is that what you mean; I saw it once, but I do not remember whether I got it in the committee-room or not.

6567. It did not make any impression upon you?—Not a bit; I was not a bit nervous about it.

6568. Not whether it was secret?—I considered, after all I heard, it was secret.

6569. Did you impress it on the tenants about?—I never spoke of it to the tenants.

6570. Were a good many papers sent out for distribution in your district?—I do not know that.

6571. Who took out the papers to be distributed; the bills and posters?—I do not know.

6572. You do not know who took them out of the committee-room?—No.

6573. You do not know who was employed for putting the bills?—No.

6574. Do you know who was employed in doing anything particular at all?—Mr. Dawin.

6575. The secretary?—Yes.

6576. Did not you attend meetings?—Yes.

6577. And circulars came there for distribution?—Yes.

6578. But you did not know what were done with them?—Everyone got their own when they went.

6579. Used the newspapers containing the addresses to come to the rooms to be sent out in parcels?—There were some, but not very many.

6580. Who used to take the newspapers to distribute them?—Anyone that chose to lift one took one; but for my part, I distributed none.

6581. You did not touch one?—I took whatever I chose for myself, but for no other person.

6582. Did you read any of those you lifted?—I had very little time for reading.

6583. And of course you were paid nothing this time?—No.

6584. When were you paid your expenses, after the last election?—It might be two months or more.

Cross-examined by Mr. Mordaunt.

6585. The travelling expenses were only incurred by you in 1878?—Yes, they were.

6586. And they did not exceed the same sum of 1 l. 0 s. 6 d.?—£ 1. 0 s. 6 d.; I kept a perfect account at that time, but I cannot decide the items of the account since.

6587. But you did give a proper account at the time?—Yes.

6588. A faithful and honest account?—Yes.

6589. On the present occasion, in the year 1880, is it not the fact that you were not to receive any money for your services?—No money whatever for any services.

6590. Was not it distinctly understood by you?—Yes.

6591. Announced to you?—Announced in the committee-room.

6592. To everybody?—Everybody that was there.

[The Witness withdrew.]

## HENRY MONTGOMERY, sworn; Examined by Mr. Potter.

H. Montgomery.  
25 June  
1880.

6593. HAVE you a vote in Downpatrick?—  
For the county, yes.

6594. Did you vote at this last election?—I  
did.

6595. Had you any employment at the last  
election in connection with the election?—I was  
in Mr. Finnigan's office in Belfast.

6596. When were you employed in that?—  
Three weeks previous to the election.

6597. In reference to the election?—Yes,  
copying papers.

6598. Were you employed by Mr. Finnigan  
—Yes.

6599. As a clerk in the office?—Yes.

6600. Have you been paid for it?—I may say  
I have; I have not been thoroughly settled with,  
but I may say I have been paid.

6601. You have been paid a portion of it?—  
Yes.

6602. What rate of payment?—I do not  
know.

6603. How much have you been paid?—Only  
a few shillings; I sent in a bill, which I have  
not got all the balance.

6604. Of course you are to get it?—Yes.

6605. How much was the bill?—I did not  
know how much I was to ask.

6606. You were not retained for nothing?—  
Money was never mentioned.

6607. You did not understand that you were  
being hired to work as a clerk in the office for  
nothing?—I did not.

6608. You have not yet been settled with?—  
I have not.

6609. Has it ever been repudiated?—No, I  
expect it will be settled to-morrow.

6610. It is perfectly understood that you will  
be paid?—Yes, I may say when I voted I had  
no idea I was breaking any law or any rule.

6611. Were you sent for to vote in Down-  
patrick?—No.

6612. But you did come?—I did come and  
vote.

6613. During all the time you were in the  
office in Belfast, had you anything to do with  
directing newspapers and circulars, and matters  
of that kind?—No, I addressed some circulars.

6614. Connected with the election?—Yes,  
sending out the addresses of Lord Castlereagh.

6615. Did you send out any parcels of news-  
papers?—I did not.

6616. I suppose there were other clerks in  
the office?—Yes; I was in the office by myself  
part of the day.

[The Witness withdrew.]

## GEORGE ALLEN, sworn; Examined by Mr. Murphy.

G. Allen.

6617. I BELIEVE you were active on the com-  
mittee of Lord Hill and Lord Castlereagh in  
your district?—Yes, I canvassed.

6618. You were chairman of the committee?  
—Yes.

6619. Do you recollect calling on a man named  
Hugh Morrow at Mount Alexander?—Yes.

6620. To canvass him for his vote?—Yes.

6621. Who was with you?—Mr. Hugh John-  
son and Mr. Robert Ferguson.

6622. Did you ask Mr. Morrow for whom he  
would vote. You know all about it?—It is  
Hugh Morrow; he is a very decent man.

6623. What did Morrow say when you asked  
him for his vote?—He said he would promise  
neither way.

6624. What did you say to that?—I do not  
know exactly what I said to that.

6625. You were so displeased with him, that  
you do not remember what you said?—Do you  
mean that I was dissatisfied?

6626. You were not satisfied?—I do not say  
what he said to me after that.

6627. You said that; were you perfectly  
satisfied?—I was perfectly satisfied.

6628. When he said he would not promise  
either party?—Yes; it was a matter of indiffer-  
ence to me.

6629. Being perfectly satisfied, did you ask  
him anything further about his vote, or did you  
you go away?—No; I put down what he said.

6630. Have you it down what he said?—I  
have.

6631. Will you let me see it?—I have not it.  
I put down what he said, and I put him down as  
doubtful.

6632. By that you meant that you were per-  
fectly satisfied with it?—I was satisfied that the  
man was not going to support Lord Castlereagh  
or Lord Hill.

6633. Did you go back to him?—No; what-  
ever conversation was just altogether standing at  
the moment.

6634. You put down the word "doubtful"?—  
Yes.

6635. Did you tell him what you would do  
with the word "doubtful"?—Yes, I will tell  
you that too.

6636. You made him quite certain what you  
would do with it?—Yes.

6637. What did you say?—I said to him what  
I had written down, that he would promise neither  
way, that I put him down as doubtful, and of  
course I would make it known to the committee;  
not to the committee, but to head quarters, but  
it was the committee what I meant.

6638. You had power to make it known to  
head quarters?—Yes.

6639. On whose estate was he tenant?—He  
was a tenant of Lord Londonderry's.

6640. Did you tell him that head quarters was  
the committee?—I did not.

6641. Were not you the head of the head  
quarters yourself, if it was the committee?—No,  
I do not consider that I was head quarters; I  
considered Mr. Finnigan was head quarters. I  
was to make it known to the secretary, Mr.  
DeWinn.

6642. You did not mean your own committee?  
—Yes, I did.

6643. Were not you chairman of the com-  
mittee?—Yes, I was.

6644. You

6644. You did not mean that you would make it known to yourself?—But to others as well.  
 6645. You said it, being perfectly satisfied, for the purpose of satisfying him?—Not to satisfy him at the least.

6646. Now, I ask you, do you mean to say when you said, "I will make this known at head quarters," that it was not a threat to the man?—It was not a threat to the man, nor I never meant it as a threat.

6647. What did you mean it as?—I meant it just to tell him what my opinion was.

6648. To tell him that your opinion was that you would make it known at head quarters?—Yes, meaning the committee.

6649. You yourself being chairman of the committee?—Yes.

6650. And was it to your own committee that you were to make it known?—Of course.

6651. Was Mr. Finnigan a member of your own committee?—No, he was not.

6652. Did not you tell me a moment since that you meant Mr. Finnigan also?—Yes; this was on the Monday evening, and a return was to be made on Wednesday evening to the committee, and it would be afterwards sent to the head office.

6653. Did every tenant that you went to promise to give you his vote?—No, he did not.

6654. Did some of them say they could not give a decided answer?—No, I do not think any of them said that.

6655. Did some say that they would vote for Mr. Crawford?—Yes.

6656. Did you tell any of the others that you would make it known at head quarters?—No, I do not think any person told me they would vote for Mr. Crawford.

6657. I am sure they did not. Did everyone say they would vote for Lords Hill and Castle-rough?—Some of them said they would not vote at all.

6658. Tell me any of those besides Morrow to whom you said you would make it known at head quarters?—I did not say it to anyone else.

6659. And when Morrow was marked as doubtful, you told him you would make it known at head quarters?—Yes.

6660. And by that you meant Mr. Finnigan?—I meant the committee in Conbar in the first instance to make it known.

6661. To make it known for what?—How every person would vote, so that they might make their return.

6662. Those persons that said they would not vote at all, did you tell them you would make it known?—No.

6663. You did not tell them?—No.

6664. But to these poor tenants on the Londonderry estate, you mentioned head quarters?—Yes.

6665. Now, I ask you Mr. Allen, in this court-house, here before the persons assembled, do you mean to say by "head quarters" you did not give that man to understand the estate office?—Distinctly not.

6666. And had no intention?—No intention.

6667. And you think he did not understand it?—I do not believe he understood it to be such.

6668. Did you tell the man you would not be humbugged by him?—I never said such a thing.

6669. He is a respectable man?—He is a decent and a respectable man. I never made use of such an expression.

260—Sess. 2.

6670. Did you mention the word "committee" to him at all?—I did.

6671. When did you tell him; in what part of this conversation?—When I spoke of making it known, it was then that I made use of the word.

6672. Now tell me what you said when you spoke of making it known; it was then you used the word "committee"?—I said I would make it known at head quarters, meaning that to be the committee.

6673. Did not I ask you whether you mentioned the word committee, and you said you did?—Yes.

6674. Did you mention the word "committee" to him?—I cannot say that I did.

6675. Did not you tell me within the last minute that you did mention the word "committee"?—I cannot remember.

6676. Did you mention to him that you came from the committee?—Yes, I said we were appointed by the committee.

6677. You said that upon the first introduction?—Yes.

6678. Did you tell him who the committee were?—No, he never asked.

6679. Who was present when you said you would make it known, or that you would show it to head quarters?—Those two I spoke of.

6680. Was this the form in which you said it: "I show it to the head and to the very head quarters"?—I never made use of such words.

6681. Did you say "very head quarters"?—No.

6682. But you did say "head quarters"?—Yes.

6683. What did Morrow say to that?—I think he said, "You will do me all the harm you can;" and the reply I made was this, "No," said I, "I will do you no harm or any other person."

6684. When he made the reply, "You will do me all the harm you can," you thought it was the committee he was afraid of, you being the chairman?—I do not think he was afraid of any one, either committee or landlord, or any other person; the men did not seem to be the least alarmed.

6685. When Morrow said, "You will do me all the harm you can," did you think that he apprehended the harm from the committee?—I do not know what he thought.

6686. And you did not consider what he thought?—No, I did not.

6687. And then you said you would do no harm to him or any other man?—I would do him no harm, or any other person.

6688. Tell me one person on the estate that told you they would stay at home; any other tenant of the Londonderry estate?—I think a man named Samuel MacMillan.

6689. What did MacMillan say?—He said he thought he would not go; he would stay at home.

6690. Did that answer satisfy you perfectly?—Perfectly.

6691. Did you mark him down as doubtful?—I did put him down as if he was not going to support Lord Castlerough and Lord Hill.

6692. You put him down as if he was not going to support them?—Yes.

6693. What form of expression or mark did you put opposite his name to intimate he said he thought he would not vote at all?—I put "doubtful" or "against," perhaps.

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6694. Or

G. Allen,  
27 June  
1880.

G. Allen,  
15 June  
1882.

6694. Or "against" perhaps! You took him even as "against"?—Yes.

6695. You either put before him, "doubtful" or "against"?—Yes; I cannot say which.

6696. Did you tell him for his information, that you would make his case known to head-quarters?—No.

6697. Nor to the committee?—No, nor to any other person.

6698. Though you may have put down "doubtful" before him also?—Yes.

6699. I suppose Mr. Ferguson and Mr. Johnston heard all about what occurred between you and Morrow?—Yes.

6700. Were you speaking to them lately about it?—Yes; I have spoken to them since about it.

6701. Did you tell them what had occurred on that day?—They heard it and knew it as well as I did.

6702. You were speaking about it?—Yes.

6703. Did you not ask them whether they recollected what you said?—Yes.

6704. What did they tell you that you said?—They told me something similar to what I have told you.

6705. Did you mention to them what you said; were you speaking within the last week. I suppose you were talking of it the last week?—I cannot say the last week; but we may have been talking over it; we may have been speaking over the conversation; I cannot say it is the last week.

6706. Did you tell Mr. Johnston what you said?—Yes; I dare say I did.

6707. Did you say to him, "Do not you recollect what I said to Morrow"?—I did not say, "Do not you recollect."

6708. Did you ask him did he recollect what you said?—I may have asked him.

6709. What did he say?—You will hear what he said.

6710. I want to know the conversation?—He told me similar to what I told you.

6711. You do not recollect the words he used?—No.

6712. Did he mention head-quarters?—I think he did.

6713. Did he mention what Morrow said, "You will do me all the harm you can"?—He did.

6714. Did he mention your reply to that?—He did.

6715. Did he say anything about your having said you would not be hunkugged?—No; he did not.

6716. Morrow is a decent man?—Yes.

6717. Did you ask Morrow, since, what it was you said to him?—No; I never asked him. A few minutes since I spoke to Morrow outside; we were talking outside.

6718. What were you saying outside?—Just talking of the circumstances what occurred.

6719. Can you recollect what occurred a few minutes ago outside?—Yes, just what I told you.

6720. How did you open the conversation with him a few minutes ago; did you say to him, "Hugh, you are going to be examined"?—Yes, there is no question I said something of that.

6721. "About what passed between you and me"?—Yes.

6722. "Sure," says you, "I recollect I did nothing to intimidate you"?—No, I said nothing of the kind.

6723. What did you say to him?—We talked about the conversation that took place.

6724. Tell me the conversation you had a few minutes since with Hugh Morrow outside; tell it me as it occurred; it was very short?—It was just what I have told you; I told you repeatedly.

6725. Tell me what you said to him. You opened the conversation, and told him he was going to be examined?—I do not know whether I opened it or he opened it to me.

6726. You do not remember whether you asked him first or he you?—No.

6727. Did you ask "What was it I said to you"?—We talked of what I said, and how the occurrence took place, and what occurred afterwards.

6728. That will not do?—You will get his version.

6729. I want your version, if it is the version of it; now tell me what occurred between you and Morrow in that little important conversation that took place a short time since before he was to be examined and you?—With regard to our meeting, and what took place.

6730. I know it was with reference to that, and with reference to nothing else. Do you remember what you said?—Upon this occasion?

6731. Yes, outside?—I said with reference to putting down that, he was doubtful, and that he would promise neither.

6732. Tell me the words you said to him?—Those are the words he said to me.

Mr. Baron Fitzgerald.] When you are asked to state what occurred between you and him, state what your words were, and what his words were.

6733. Mr. Murphy.] That is only a short time since, and you recollect it as well as that you are standing there?—My Lord, we talked of the matter as we met in the field, and I said what occurred, and he agreed with me perfectly.

6734. Did you hear what his Lordship desired you to say?—Am I not giving you what did occur.

6735. Tell me the words you said to him, and what he said to you; we all know you were talking about the occurrence; tell me what you said about it, and what he said about it to-day?—I tell you now that when we were talking outside I said to him; I cannot exactly remember the words.

6736. Say as near as you can; you can tell what you said yourself?—I told him what occurred when we met what I said to him; I went to solicit his interest for Lord Castleburgh and Lord Hill; he said "he would promise neitherways; I think he said that he would not promise to either party; that is what he said, and what was the use of the ballot."

6737. He said "What was the use of the ballot"?—Yes.

6738. "When it can be known how the tenants voted"?—Yes.

6739. What did you say to that?—I said nothing to that.

6740. He reminded you that you said that the day you asked for his vote?—Yes.

6741. "What is the use of the ballot?" said he?—Yes.

6742. Was that after you said you would report



report him at head-quarters?—I cannot say whether it was or not.

6743. Did he use that remarkable expression to you, "What is the use of the ballot"?—Yes; and he said he was not canvassed at the previous election. I did not say anything more.

6744. In what part of the conversation, when you were canvassing him, did he refer to the ballot and say, "What is the use of the ballot"?—I think it was when we asked him for his support for Lords Castlereagh and Hill.

6745. When you asked him for his support for Lords Castlereagh and Hill, did he say, "What is the use of the ballot"?—Yes.

6746. Mr. Justice Barry.] Did he say "What is the use of the ballot, when you can find out how a man vote?" "if he would promise how he would vote"?—

6747. Mr. Murphy.] Do you recollect that he said that?—Yes.

6748. Did you say then you would not be humbugged by that answer?—No.

6749. He reminded you of that to-day?—No, he did not.

6750. Did he remind you to-day that he said, "What is the use of the ballot"? Did he remind you of that to-day?—He did not.

6751. Did he mention it at all in his conversation with you to-day?—He did not.

6752. When you were giving him the account of the conversation that occurred to-day you brought that in?—Yes.

6753. Will you tell us what occurred between you and him to-day outside there?—I have told it to you repeatedly.

6754. Mr. Justice Barry.] Really you have not. Mr. Baron Fitzgerald called attention to the question you are asked, namely, to state, as nearly as you can, in the words used by yourself and the words used by him, what took place between you outside to-day?—It is in reference to—

6755. Mr. Baron Fitzgerald.] It is not in reference to anything. Whose first?—I cannot say.

6756. What is the first thing you said?—I think we said the folly of coming here upon such an occasion; and he said he was of that opinion; and then I began to speak about the occurrence about having met him in the field.

6757. Mr. Murphy.] What did you say about the occurrence?—Having met him in the field, and what had taken place when I canvassed him.

6758. How did you remind him of it; give me the words he used. "Do not you recollect," said you, "that I asked you for your vote"?—Yes.

6759. And "do not you recollect," said you, "that you told me that you would not vote for either party"?—Yes; he would not vote for either party.

6760. "And then I told you I would mark you down as doubtful"?—Yes.

6761. And he said, "Then you may mark me down as doubtful, if you like"?—He did not say that.

6762. What did he say after that?—He made no reply.

6763. And then did he say, "You said to me, sure you would make it known at head-quarters"?—Yes.

6764. And that he said to you, "Then you will do me all the harm you can"?—Yes.

6765. And he told you all that to-day?—Yes.

6766. Did you remind him of all that yourself?—I did.

6767. You did remind him of all that yourself?—Yes; I do not deny anything I said.

6768. And you reminded him of all you said?—Yes.

6769. "Do not you recollect, Hugh," said you, "that I said I will make it known to head-quarters"?—Yes.

6770. "Meaning," said you, "thereby the committee"?—Yes.

6771. You told him that to-day?—I did.

6772. "And that you said to me, 'Then you will do me all the harm you can'"?—Yes.

6773. You reminded him of that to-day?—Yes.

6774. "And that you replied to that, 'I will do you no harm, you, nor any other man'"?—

"Or any person."

6775. You reminded him of all that to-day?—Yes.

6776. And he said, "Your honour is just telling the truth about it"?—He never said "Your honour."

6777. And he said, "It is all right"?—Yes, or something tantamount to it. I cannot say it; he said it was all right.

6778. Did he say it was exactly the same as you recollect?—He did not say it was or was not.

6779. He did not say it was or was not! Did not you tell me he perfectly agreed as to the account of it?—He did not contradict anything I said.

6780. Did not he say two or three times that he agreed?—He admitted what I said.

6781. How did he admit it; was it by saying it was right or correct?—He neither said it was right or correct.

6782. He was doubtful?—No.

6783. How did he admit it?—He seemed to see that that was what occurred.

6784. Did he say that that was what occurred?—He seemed to say it.

6785. How did he seem to say it?—He acquiesced in it.

6786. By not contradicting it?—Yes.

6787. That was all he said?—Yes.

6788. Did he tell you the words himself of what had occurred?—He did tell me what I have told you over and over again.

6789. He told you that yourself outside to-day?—Yes.

6790. You spoke to him?—Yes.

6791. Did you tell him the same thing over again?—No, I do not think we went over it a second time.

6792. Who was present at the interview between you and him outside there?—I do not know that there was anyone there.

6793. Perhaps no one at all; was Mr. Johnston there?—No.

6794. Or Mr. Ferguson?—No; I think there was a man there.

6795. Perhaps he was the heir of the estate?—No, he was not connected with the estate.

6796. Who was the man?—I will recollect in a moment.

6797. A man who heard it all?—He is the miller of Comber.

6798. Did he hear exactly what occurred?—I think he did.

6799. Did he come up with you?—No; but he was standing on the steps.

6800. Was he talking to Hugh Morrow at the time?—I cannot say that he was talking, but he was beside him.

6801. Do you know the man?—I know him.

G. Allen.

48 June 1880.

G. Allen.

22 June  
1880.

Cross-examined by Mr. Mease.

8802. Who is this gentleman we have heard so much about, Mr. Hugh Morrow?—A farmer.

8803. Is he a large freeholder upon the Marquis of Londonderry's estate?—Yes, he has a considerable sized farm.

8804. Which he holds under a lease?—I do not know whether under lease or not.

8805. Is he a large cattle breeder?—He is a very fair farmer of 30 statute acres of land.

8806. Did he show any sign of intimidation when you were giving your vote?—No.

8807. And you have seen him since?—I never saw him until I saw him outside the Court to-day.

8808. Did he show any signs of intimidation to-day?—No.

8809. Was he speaking quietly, as before?—Yes.

8810. Did you canvass a large district?—Yes, three or four townlands.

8811. Did you do more than take from voters answers what way they intended to vote?—Nothing more.

8812. Did you press them in any way?—No.

8813. You recorded them as for Lord Hill and Lord Castlereagh, or "doubtful," or "against"?—Yes, one or the other.

8814. When a man refused to say how he would vote you put his name down "doubtful"?—Yes.

8815. Was it when you went to canvass him that he said, "What is the use of The Ballot Act"?—Yes.

8816. Did he say anything about the ballot if he promised?—He said, what is the use of promising; he said something about promising and the Ballot Act, but I cannot recall it.

8817. What would be the use of the Ballot Act if he gave a promise one way or the other?—Yes.

8818. Mr. Ferguson and Mr. Johnston were there the entire time?—Yes.

8819. Do you know whether this man voted

afterwards?—I do not know whether he voted or not.

8820. You said nothing about Lord Londonderry to them?—No.

8821. And, when you spoke of head-quarters, you told us what you referred to?—Yes.

8822. Did you refer the matter to Lord Londonderry?—No.

8823. You handed your return in in the ordinary way to the committee as being doubtful?—Yes.

8824. Beyond that, did you say anything or exercise any influence whatever?—No, I said if I could serve a man I would be glad to do it.

8825. Did you ever say to him that you had the smallest interest in the way he recorded his vote?—Neither the one way or the other.

8826. Where did you meet to-day?—Just outside on the steps.

8827. Did he come up to you or you to him?—I think we were both standing there.

8828. Did you shake hands with one another?—Yes.

8829. Regretting that both of you had been brought down about so little?—Yes, my share I regret exceedingly.

Re-examined by Mr. Murphy.

8830. Did you, on the 5th of April, see these words to Mr. William Boyne, of Ballywilliam, "If Lord Castlereagh is not returned depend upon it the rents will be raised; mark my words, I know it"?—I never made use of such an expression.

8831. Or any conversation of that kind?—Or any conversation of that kind.

8832. Mr. Mease.] Have you ever known the rents of the Londonderry estate to be raised on any man?—No, I never heard of such a thing, and I recollect them 40 years.

8833. They were reduced in the famine years and never raised since?—And never raised since.

[The Witness withdrew.]

HUGH MORROW, sworn; Examined by Mr. Murphy.

H. Morrow.

8834. I BELIEVE you are a farmer?—Yes.

8835. And have a vote for the county?—Yes.

8836. Do you know Mr. George Allen, of Mount Panther?—Yes.

8837. Was he speaking to you to-day outside the court?—Yes.

8838. Do you recollect what he said to you?—We both met together at the door; we just came down the steps, and he spoke; and we shook hands, and Mr. Allen said to me, "I think it will be nearly time now for a call," as much as to say we should be got rid of. I might say that was the first of our meeting.

8839. What else did he say to you, and you to him?—He did not say anything to me that I remember, in the first place.

8840. Did he speak to you about the transaction that took place some time ago, when he spoke to you about your vote?—I do not remember how it came about.

8841. What was said about it?—It was me that told Mr. Allen how it occurred.

8842. Do you recollect his coming to canvass you?—Yes.

8843. Were you alone at the time?—I was not alone; I had some workers in the field.

8844. Except that you were by yourself, who was with him?—Mr. Johnston and Mr. Ferguson.

8845. Tell me what he said to you?—He said something about the committee, that they had appointed them to go to some parts of the district, and that I was on his district.

8846. Did he say anything to you about your vote?—Yes; he said he was about canvassing for Lords Castlereagh and Hill; and I said, "For them both." "Yes," he said, "Who are you going to give your vote to?" I said, "Well, Mr. Allen, I never told you nor any other man who I would vote for, who I did vote for, or who I would vote for."

8847. What did he say to that?—"I will put you down as doubtful."

8848. Do you recollect saying anything about the ballot?—Yes, I recollect saying I did not see what was the use of the ballot if I had to tell

two

two or three of my neighbours who I was going to vote for.

6849. Was it after that he said he would put you down as doubtful?—No, before it.

6850. Did he say anything to you when you said you did not see the use of the ballot?—There was nothing said in that instance.

6851. Now tell us the rest of the conversation; do you remember his saying whether he was satisfied with the answer you gave him, or what did he say?—I do not know anything further; he said then "that he would put me down as doubtful," and speaking of the ballot, he did not make any answer whatever.

6852. He never gave answer to that question; did he use any word like that he would not be humbugged, or anything of that sort?—Before, when I said to him that I would not tell who I would vote for, he said "he would not be humbugged by any persons."

6853. Did he say what he would do?—He said "that he would give it in to head-quarters."

6854. Do you recollect, had he gone away at that time?—Yes, he was gone.

6855. Did he come back?—No, he did not come back.

6856. What did he do if he had gone away?—He was a little bit over the field, and I was the other side of the ditch, and he called back that it would be known to "the head or head-quarters."

6857. Just say again what you say?—That he would let it be known to "the head, or the head-quarters."

6858. Mr. Baron Fitzgerald.] Do you mean that you cannot remember what he said, or that he said both?—It was rather to both.

6859. Mr. Porter.] What did you understand by that?—I cannot say that I took any particular meaning out of it; I do not know what meaning I took out of it.

6860. What answer did you make?—For him to do all the harm he could, and as little good as possible.

6861. Was it "Harm to you, and as little good as possible to you"?—I do not know any other impression I took of it.

6862. What harm did you understand; what did you understand by "head" or "head-quarters"?—I did not think anything about it; I did not think what the head-quarters would be unless it might be some of the agents, or so, at the time, but I did not see whether it was to the office, or whether I was perplexed a little at the time; I did not think about it at the time.

6863. Did he seem pleased with you at the time he said he would not be humbugged?—No, I was short, and I thought that he was short.

6864. Was he at the same side of the fence with you when he said about head-quarters?—No, at the other side of the fence.

6865. You had a conversation with him to-day outside the court?—Yes.

6866. Mr. Baron Fitzgerald.] When you said "Do all the harm you can, and as little good as possible," did he say anything?—I did not hear that he did; he might have said something, but if he did I did not hear.

6867. Mr. Porter.] You were talking this over with him to-day outside?—I was.

6868. Did you mention outside to-day what he said to you about humbug as well as the rest of it; did you speak to him about his having said he was not going to be humbugged?—No, it was not mentioned.

6869. Did you tell him anything of what passed outside, or did he tell you his version?—I rather think I told him.

Cross-examined by Mr. Moore.

6870. You have a pretty considerable farm?—Yes, I have about 34 Cunningham acres.

6871. How do you hold it; you are a large grazier there; you feed cattle?—Yes.

6872. A man who attends to your own business?—Surely.

6873. And able to attend to it?—Yes.

6874. Not easily frightened?—No, I am not.

6875. So I think myself. You saw Mr. Allen to-day at the court-house?—Yes.

6876. And you thought it a great pity that both of you should be kept here so long about so little?—Of course; this was the third day for me to be here; I do not know how long Mr. Allen has been here.

6877. And you shook hands; you were not afraid of him?—No.

6878. And never were?—No.

6879. You are on very good terms now, as always?—Yes, as always.

6880. Do you remember when you said something about "You will do me all the harm you can, and as little good as possible," his saying, "I will do you no harm"?—I did not hear him say that; he may have said it, but I did not hear him.

6881. You would not contradict him if he swore he had said so?—If I thought he was swearing an untruth I would.

6882. You would not say Mr. Allen was swearing falsely if he said he had?—No, I would not; I did not hear; the ditch was between us at the time.

6883. Did you record your vote?—I did.

6884. Afraid of nobody?—No.

Re-examined by Mr. Murphy.

6885. Are you a tenant on the Londonderry Estate?—Yes.

6886. How do you hold?—From year to year.

6887. Mr. Moore.] Were you canvassed by anyone else?—No.

6888. Mr. Justice Barry.] When he said to you that he would report the matter to "the head or head quarters," was he going away from you at the time?—Yes, he was.

6889. Did he turn round to say that?—He turned round to say it.

6890. And having said that, did he turn away again?—He did not come back; he only turned round.

[The Witness withdrew.

Mr. Murphy stated that that closed the case on behalf of the Petitioner.

[Adjourned to To-morrow, at Eleven o'clock.

Sixth Day.—Wednesday, 23rd June, 1886.

Mr. Macdonagh was heard to address the Court on behalf of the Respondent.

Mr. CHARLES HENRY BRETT, sworn; Examined by Mr. Moore.

Mr. C. H. Brett. 6891. WERE you the conducting agent for Mr. Crawford at the election?—I was.

6892. The firm of which you are a member?—Yes.

6893. And you are also solicitors for the petitioner?—Yes.

6894. Who was the expense agent for Major Crawford?—I was.

6895. I presume you have duly returned the expenses of the election to the returning officer?—I have.

6896. I find here, first in the Moira district; "Expenses: distributing circulars, newspapers, &c., five distributions; canvassing electors, horse and car, 12 days, 12*l.*; man, 14 days, 7*l.*; personation agent at poll, 1*l.*," and so on, and at the foot of that it is signed John Macdonagh; is that one of the vouchers you sent in (*handing a paper to the Witness*)?—It is.

6897. To whom did you send the 34*l.*?—I did not send the money to any one.

6898. Where did the money come from?—I believe it was subscribed in the district, and disbursed in the district.

6899. And did not pass through the hands of the expense agent at all?—No.

6900. So that none of the money paid in the Moira district was paid by the expense agent at all?—I am not prepared to say that none of the expenses were paid through me, but that account was not.

6901. Is that the general account that you have returned, showing your disbursements, including the 34*l.*, which is the precise sum for the Moira district (*handing a document to the Witness*)?—It is.

6902. But no portion of that passed through your hands?—None.

6903. Have you any means whatever of telling me who the man is who was employed for the 14 days?—I have not.

6904. Have you any means of telling me who was the personation agent at the poll, who was paid the 1*l.*?—I dare say I could find it for you, but I was not able to look into that.

6905. Can you tell me what were the newspapers?—

6906. Mr. Baron Fitzgerald.] Did you ever know who the person was?—I do not believe I did.

6907. Mr. Moore.] Can you tell me what the newspapers were that were distributed in the Moira district, included under the head of the 12*l.*?—No, I cannot.

6908. You have no idea?—No, I have not.

6909. Nor how could it be paid under the head of canvassing electors?—No.

6910. You have no idea of it?—No; Mr. Macdonagh is here, I believe.

6911. You as expense agent got no information, and asked for none?—I asked for a Bill of Particulars.

6912. And that is all you got?—Yes.

6913. As expense agent, is that the account you returned, or the vouchers you returned for the Saintfield district (*handing a document to the Witness*)?—Yes.

6914. Did that money pass through your hands?—No.

6915. Then was that all collected also in the district?—Yes.

6916. And distributed in the district?—Yes.

6917. And you had no control over it?—No.

6918. Among others, I find in that list the name of William Morrison, who received a sum 15*s.*?—Yes.

6919. Are you aware that William Morrison is a voter?—I am not.

6920. Will you tell me what that 15*s.* was paid for?—I cannot.

6921. Do you know also on that list a person of the name of Potter, who got 6*l.* 6*s.*, also a voter?—I do not know whether he is a voter or not.

6922. Do you know what he was paid for?—I do not.

6923. Do you see a man named H. MacIlveen, who received 10*s.*?—Yes.

6924. Are you aware that he was a voter?—No.

6925. Do you know what the 10*s.* was paid for?—No.

6926. Have you a notion?—No.

6927. Do you see a man named James MacCorry in the same list, who received a pound?—Yes.

6928. Do you know if he is a voter?—No.

6929. Or what the pound was paid for?—No.

6930. Do you see a man named A. S. Oswald, 1*l.* 4*s.* 3*d.*; do you know that he is a voter?—I believe he is.

6931. Did not you know that he was one of your agents?—Yes.

6932. What did he receive that sum of 1*l.* 4*s.* 3*d.* for?—I am not aware.

6933. William Dick; do you see that he got 10*s.*?—Yes.

6934. Is he a voter?—I do not know.

6935. Do you know what he got the 10*s.* for?—I do not.

6936. You got this from the person who sent it in to you?—That is all.

6937. I see that this account for the Saintfield district is signed "John Clelland, Secretary, and William Thompson, Treasurer"?—Yes.

6938. You got no money from there; they only sent in the account?—Yes.

6939. How

6939. How much was paid away on the election? you do not know?—I believe that to be a true account.

6940. Am I to take the same answer as affecting the Newry district?—The same answer.

6941. You got more of the money, and you paid away none of the money?—No.

6942. It was all collected by persons calling themselves the committee, and disbursing it, and sending you in bits of paper?—Yes.

6943. You don't know a single person in it, or what he had, or what he was retained for?—I am sure I can ascertain.

6944. Mr. Baron Fitzgerald.] These expenses have been returned?—Yes, my Lord; these are the accounts that have been returned.

6945. Mr. Mease.] But not paid by the expense agent? I find in the Hillsborough district this; did you get any of that money into your hands, or was it merely the account sent forward?—Merely the account sent forward.

6946. You got no money, and disbursed none?—I got no money, and disbursed none.

6947. I look at the item, "To Mr. Armstrong for refreshments at Ballie's Mill meeting and at Hillsborough during poll, 3 l. 14 s."?—Yes.

6948. Have you made any inquiry as to what the refreshments were for the day of the poll?—I never saw the item before.

6949. Who is R. J. MacMurray; did he send forward an account?—Yes.

6950. "To postage, and balance of second lot of literature, 4 l."? what was the literature?—There were a number of circulars sent.

6951. Do you call them literature?—I suppose they are.

6952. Is that what you understand?—Yes.

6953. Is that what you understood was being paid for circulars merely?—Yes.

6954. "To railway expenses, and so on, 2 l."? do you know what they are?—I do not.

6955. You do not know anything about them?—Not the details of the account.

6956. There is an account from the Rathfriland district, for which we have no name at all; who sent you that account?—I think Mr. Bell, but I am not sure. I can ascertain with the greatest ease.

6957. And you will tell us?—Yes.

6958. Did you see an item in that account of "Paid Mr. MacLennan his travelling expenses from Belfast to vote in Rathfriland, 15 s."?—Yes.

6959. Who did you pay that to?—Whoever sent me the account; I do not remember.

6960. Is it Bell?—I believe so.

6961. Where does he live?—I do not know whether Bell is the correct name.

6962. Where does the Bell you refer to live?—This is Mr. Dixon's writing, I think.

6963. Who is Mr. Dixon?—A gentleman with whom I correspond.

6964. Where does he live?—In Rathfriland.

6965. What is his Christian name?—I believe Joseph.

6966. Joseph Dixon, near Rathfriland?—Yes.

6967. He would be the person who paid the travelling expenses of this man from Belfast to vote in Rathfriland?—I believe so.

6968. That is also a voucher; James Lennox (sending a document to the *Witness*)?—No; H. A. Greenfield. This is an account to James Lennox.

260—Sess. 2.

6969. Does not Lennox furnish the accounts to Saintfield?—Yes.

6970. Who is Lennox?—A Bill distributor.

6971. And a voter?—I do not know that.

6972. Did that money pass through his hands?—I sent a cheque to Mr. Greenfield for the entire amount of this.

6973. You sent a cheque for the amount of this account, among others, to Mr. Greenfield: "To 16 clear days, from 30th March to 7th April, both days inclusive, at 10 s. a day, 8 l.; to paste, lash, con, &c., 4 s.; deduct 3 l. 1 s. 4 s. Gentlemen, my labours were fit only for horse and car; I was often out to 12 at night; I done my work faithfully; anything extra would be thankfully received by your obedient servant, James Lennox." Are you aware that Greenfield and Lennox are voters?—No.

6974. Do you see an account for Alexander Lennox in the same handwriting?—

Mr. Porter.] Several of these are not in the list.

Mr. Shaw.] They were only discovered this morning.

6975. Mr. Mease.] Did you send a cheque for this also?—Yes, I sent all the Hollywood accounts by cheque.

6976. I see there is no name to this account to indicate who was the person acting; who was the person acting for Mr. Crawford?—A man named Canavan.

6977. What is his Christian name?—I think James.

6978. Did any of that money pass through your hands?—No; it was all collected, as far as I know.

6979. I presume you received none of the money that was collected?—No.

6980. Whatever was collected was either paid away or retained?—Yes.

6981. Was he the only person with whom you had any business transactions in connection with the Gilford district?—Yes.

6982. Did you see James Chambers, personation agent, there, who got 2 l.?—Yes.

6983. Are you aware that he voted?—I am not.

6984. Do you see Thomas Magilligan, 2 l., expenses from England; do you know that he voted?—No; I do not know him.

6985. Are those the expenses of the Drumara district (sending some documents to the *Witness*)?—Yes.

6986. Did any of this money pass through your hands?—I believe not.

6987. Who rendered you the account?—Joseph Bailey.

6988. Is he a voter?—I do not know.

6989. Do you know whether he voted?—No.

6990. Do you see a man named William Creighton, 2 l. 10 s.; what was that for?—It was said to be canvassing and distributing papers.

6991. And John MacPoland, six days' canvassing, received 1 l. 10 s.?—I do not know that.

6992. Do you see a claim for Joseph Bell in one account, "Self, four days' canvassing, and one day as personation agent"?—Yes; there is no money opposite it.

6993. That is left indefinite: "As much as your honour is pleased to give, I suppose;" in  
v 2 Downpatrick

Mr.  
C. H. Brent,  
23 June  
1880.

Mr.  
C. H. Brett.  
25 June  
1880.

Downpatrick I find a person called Mr. Joseph Perry; was he the gentleman who collected the money in Downpatrick?—Yes.

6994. Did any of that money pass through your hands?—No.

6995. He collected it and disbursed it?—Yes.

6996. And merely sent in this memorandum?—Yes.

6997. Do you know at all who Michael Hunter is, who charges 2*l.* for 13 days, for delivering circulars?—No.

6998. I see here is an account from the Killyleagh district; who received and disbursed that money; there is no name to it?—I think Mr. Hay.

6999. What is his Christian name?—I do not know.

7000. Where does he live?—Near Killyleagh.

7001. Can you give us the Christian names and addresses of these gentlemen?—Yes.

7002. I see "D. Murray's account in connection with Crossgar meeting"; do you know that that was for the drink at the meeting?—No.

7003. Who sent forward this account for the Comber district; I find no name upon it?—This came from Mr. Andrews.

7004. Which Mr. Andrews?—I do not know which; either John or Thomas.

7005. Who is the gentleman responsible for this Seaforde district?—Mr. James M. Perry.

7006. I see that you had a considerable charge made in your general account for the cards that they sent out for the voters; did you send out the cards instructing the voters how to vote?—Yes.

7007. Could you give me one?—I do not think I have one.

7008. Can you oblige us afterwards by getting one?—It was not the same as yours.

7009. We think it is worse; I see there is a considerable charge here for cartoons; what were those?—They were small cartoons. They were supposed to be humorous.

7010. Was it Lord Castlereagh riding on a donkey?—Yes.

7011. Were they all that?—Yes.

7012. And a ballet-box?—Yes.

7013. Did you get 10*l.* worth of that?—Yes.

7014. Mr. Justice Barry.] Have you one there?—I have not. I can easily send you one.

7015. Mr. Monroe.] I see here "3,000 ships, letter, O'Boyle, 3*l.*"; who is O'Boyle?—A clergyman.

7016. Can you give us a copy of that production?—I have not it here.

7017. Before to-morrow?—Yes.

Cross-examined by Mr. Murphy.

7018. Was it intimated to you in any way to have any of the documents here that would have given the information that my learned friend, Mr. Monroe, has asked for?—I did not know that I was to be examined at all.

7019. Mr. Monroe.] We were under the impression that it was Mr. Jasper Brett, of Dublin, who was the expense agent?—I told Mr. Manley several days ago that my brother had nothing whatever to do with it.

7020. Mr. Murphy.] You told Mr. Manley several days ago that your brother had nothing to do with it; what were the total expenses returned?—£. 3,508 13*s.* 2*d.* There were several items there disputed.

7021. So far as you can judge, does that form the entire expenses of the election on the side of Mr. Crawford?—It does.

7022. And the greater portion of it, I believe, was contributed by the people themselves in the different districts?—A very large proportion.

7023. How much of it, about?—I should think about half.

7024. Mr. Monroe.] There are several of the districts for which you have no accounts at all?—There are. I wrote to all the districts.

7025. How many out of the 26 have you accounts for at all?—We have them all here. I did not count them.

7026. Is not Bangor one of the largest districts of the county?—There are 20 returned here.

7027. Is not Bangor one of the largest districts?—I am not aware.

7028. Have you a shilling of expenditure for Bangor at all?—No, it is not here.

7029. Mr. Murphy.] Was any money expended there, as far as you know?—I am not aware of any. I believe it was only for distributing papers, and such things as that.

[The Witness withdrew.]

Colonel WILLIAM BROWNLOW FORDE, sworn; Examined by Mr. Kibbey.

Colonel  
W. B. Forde.

7030. You were in the Seaforde district on the day of the election, polling?—Yes.

7031. Did you act as persuasion agent in the booth there?—Yes.

7032. Do you remember being in one of the booths there, when some person made an objection to where you were standing?—Yes.

7033. Just state what the objection was, and where you were standing?—The first objection that was made to me was by Mr. Hurst; I was standing a little in front of the officer who was in charge of the station, and a little to the left of where the party went in to vote; Mr. Hurst made the objection that I was standing between and interfering with the view of the returning officer.

7034. Were you, in point of fact, interfering

with the view at that time?—No, I was not; because there happened to be at that time nobody in this box, nor if there had been, would I have been there; and if I recollect right the returning officer said, "Oh, there is nothing; Colonel Forde is not in the way at all;" if I recollect right, that is what the returning officer said.

7035. Do you remember some time later an objection being made that you were standing close by the presiding officer, and looking at the counterfoils, or something to that effect?—Yes.

7036. Will you state what the objection was?—Some little time afterwards I went to look at what I called the tally clerks; I do not know whether they go by that name or not, but they were

were the parties who were marking off the voters as they came in, and I was standing behind the place where they were standing, and to the left of where the returning officer was, and Mr. Hurst again made the objection that I was in the way and looking over the clerk when he was marking off the counterfoils, or counting off the voting papers, upon which Mr. Mills, who was, I believe, Mr. Brett's agent in the booth, came and placed himself in front, between me and the presiding officer and the clerk, and there he remained as long as I remained behind the parties where I was looking over.

7087. Mr. Johnston, who was he?—Who is Mr. Johnston?

7088. Henry Johnson, the person who gave evidence on Monday?—I do not know him.

7089. He said afterwards that Colonel Forde was looking down in such a position that he could see the counterfoils being marked; were you at any time during that day looking down in such a position that you could see the counterfoils being marked?—No, I was not; and the only time I was checked for it was the time that I say, when Mr. Mills, I believe is the name, who was between me and it, and who was a much better judge whether he could see or not, and if he could not see I could not.

7090. Mr. Justice Barry.] You did not see it?—No.

7091. Mr. Kilsby.] Another person, Cochran, said he, Colonel Forde, could see the numbers on the counterfoils; did you during the entire day see any number on the counterfoil?—If I know this Mr. Cochran he was not near where I was; he was at the other table entirely.

7092. He said you could see the numbers on the counterfoils; is that true?—No, it is not.

7093. Did you during the entire day endeavour to see the numbers on the counterfoils at all?—No, and if I had I could not have done so.

7094. But you did not?—No.

7095. Did you place yourself in any position for the purpose of seeing the numbers on the counterfoils?—No, I placed myself in the position of looking at the tally clerks, seeing them mark off the voters as they came up.

7096. Did you in any way do any single act that day to interfere with the secrecy of the ballot?—Not the slightest.

Cross-examined by Mr. Potter.

7097. Can you tell me how the polling station was arranged?—Yes, perfectly.

ROBERT FERGUSON, sworn; Examined by Mr. Moore.

7098. Are you a farmer?—Yes.

7099. Do you know Mr. George Allen?—I know Mr. George Allen.

7100. Do you recollect accompanying him on any occasion when he went to canvass a man of the name of Hugh Morrow?—I do.

7101. Who else was with you?—Hugh Johnson.

7102. When you went up did you find Morrow in his field?—He came to the field; he was not in it at first.

7103. What did Mr. Allen say to him?—He said he was come to ask his interest or vote for 240.—Sess. 2.

7098. I wish you would, because I do not understand it perfectly myself?—We will say that that gentleman is the returning officer, and there is his clerk, and there is the entrance into the booth (*describ*), and Mr. Macdonagh and that gentleman there are the secret box; I place the two leaders in that position; but at all events that is where I was; I stood just somewhere about where you are, and Mr. Hurst was on my left when he made the objection.

7099. That is the first time?—Yes.

7100. The second time, where were you standing?—Your table is just where I was, and I was behind these parties.

7101. I suppose it was not a very large apartment?—It is very large.

7102. What size?—I suppose the room is 50 feet long; there are two tables in it.

7103. I suppose they were all near the upper end?—No, the two tables were one at one end and the other at the other; I was farther from the clerk than what that gentleman there is.

7104. Do not understand me as supposing you were looking?—Not the slightest.

7105. Who appointed you as personation agent?—Either Lord Castlemagh or Lord Arthur Hill.

7106. Did you apply for it yourself?—I do not know that I did; I may have.

7107. Who sent it to you?—I suppose Mr. Finnigan; I do not know who it was.

7108. Was that the first you heard of it?—No, I heard I was to be made one, but who did it I cannot say.

7109. You heard from some of those conducting the election that you would get it?—Yes.

Re-examined by Mr. Kilsby.

7110. Were there certain gentlemen there to undertake the duty, you amongst them, for the purpose of avoiding expense?—Yes.

7111. And you did it for that purpose?—Yes.

7112. Mr. Potter.] Are you owner of the entire property at Seaforde?—No.

7113. But a good portion?—A good portion.

7114. Nine-tenths of the entire district?—No; I wish I was.

7115. What proportion of the entire district?—I cannot say whether the entire barony is in the district as well, but my friend, the high sheriff, owns a good portion of it, and Lord Downshire owns a good part.

[The Witness withdrew.]

Lord Castlemagh and Lord Arthur Hill, and R. Ferguson. Hugh Morrow said he would not promise; he said that the other party had not been with him yet. I said "I would like that he would promise Mr. Allen," and he said there was no use in the ballot if he began to tell people, or if he told men, or something of that kind.

7116. What else was said?—I think that Mr. Allen made answer, and said he would let it be known at head-quarters, and I see no use in my stopping; and as I was going away I heard Morrow say, do me all the same you can, or something like that; that was all I heard.

R. Ferguson.

23 June  
1880.

7073. Did you hear Mr. Allen say whether he would do any harm?—No, I was away before that. I went out of the field and left Hugh Johnson and Mr. Allen behind. He did not mention where; he mentioned head-quarters, but did not mention where it was.

7074. Of course you understood what he was referring to?—I had been at a meeting in the Orange Hall, and I knew they were going to be back on the next night but one.

7075. Is that where the committee sat?—Yes.

Cross-examined by Mr. Murphy.

7076. I suppose you recollect tolerably well what occurred?—I am telling you what occurred; yes.

7077. Have you told us all that occurred?—All that is here.

7078. And was Johnson up along with you at the time; near you at the same time?—Yes, we were all together so long as that conversation lasted.

7079. Johnson and you were all there together?—Yes.

7080. When Allen said there was no use in the hall if he would tell the neighbours, what did Mr. Allen say in reply to that?—I think he said then, that he would let it be known at head-quarters.

7081. Did he say anything about being humbugged?—I did not hear it.

7082. He said he would let it be known at head-quarters?—Yes.

7083. And you went off then?—I was going before that.

7084. Had you gone away from Mr. Allen when he said that?—I was in the way of going.

7085. Were you the other side of the fence from where Morrow was?—Not at that time.

7086. Was Allen at the other side of the fence?—I do not know; I think he was on the corner of one field.

7087. Of the same field with Morrow?—Yes.

7088. Are you sure he did not cross the fence, and that he did not turn round to say to?—I rather think not; I heard talk about fences yesterday, but I cannot remember the fence.

7089. You heard what was said in Court yesterday?—Yes, I do not mind if there was a fence in the field.

7090. Allen said he would make it known at head-quarters?—Yes.

7091. And Morrow said, "You will do me all the harm you can"?—Yes, he made that reply, "You may do me all the harm you can," or something of that kind.

7092. "And no good," did he add that to it?—It might or it might not.

7093. You heard Allen saying no more in answer to him?—I did not before I was away; I went away; that was the word I heard.

7094. You knew what head-quarters meant, did not you?—You may take different meanings out of it.

7095. I think you might, you may turn it any way you please; what about the office?—I never heard him mentioned.

7096. You never heard the office mentioned, but what did you think of that quarter being

"head-quarters"?—It may or may or not. They may go to Hillsborough if he chose.

7097. Would not that be the head-quarters?—I do not know where the head-quarters would be.

7098. But at the office, when you went off at the time, did not you know well what Morrow understood it to be?—No, I did not.

7099. When he said "You may do me all the harm you can"?—I heard him saying that.

7100. As an honest man do you suppose that Morrow was apprehensive about the harm that would be done to him by telling it at the Orange Hall?—I could not tell you where it was.

7101. You have not the slightest idea?—I never thought about it.

7102. You never thought of the Orange Hall?—No.

7103. But you thought of the agent's office?—I did not.

7104. What did you think was meant by "head-quarters"?—I did not know anything about it.

7105. What did you think Morrow meant when he said, "You will do me all the harm you can"?—I cannot say.

7106. With whom was he to do him the harm, was it with his landlord?—He never said that.

7107. Did not you believe it was with his landlord or the office?—I did not think it.

7108. Now mind what I am asking you; what did Morrow mean when he said to Allen, "You will do me all the harm you can"?—I could not tell you; how could I tell what he meant.

7109. It was not by telling you; you knew it, did not you?—I heard it.

7110. And Allen was the chairman of the meeting, was not he?—I believe he was.

7111. Chairman?—Yes.

7112. Was Johnston also a member of the committee?—I think not.

7113. Where did Johnston take you up that day to come there?—We went down to Mr. Allen's before we went away.

7114. Was it there that you met Johnston?—I met him in my own house.

7115. Johnston said you came to Mr. Allen's?—Yes.

7116. Where was Allen, exactly, when Morrow said "You will do me all the harm you can"?—He was, it may be, as near him as what you are.

7117. Had he proceeded to walk away from Morrow?—Not at the time.

7118. Before he spoke of head-quarters?—No, I think not.

7119. Did Allen say he would write him down for anything?—I did not hear it.

7120. You did not hear a word about what he would write him down for?—No.

Re-examined by Mr. Murray.

7121. Did you go in the evenings and make returns?—We had one or two nights till it was late, had time when Johnston and me did not go back; we went to our bed.

[The Witness withdrew.]



HUGH JOHNSON, sworn; Examined by Mr. Kiseby.

7122. WERE you with Mr. George Allen and the last witness, Mr. Robert Ferguson, when they went out to Hugh Morrow's?—Yes.

7123. Just state what you heard occurring between Mr. Allen and Mr. Morrow?—I believe Mr. Allen said we were on electioneering business, and we have "come to solicit your vote for Lord Castlereagh and Lord Hill," and Morrow said that he was not going to give his mind on it either ways, or something to that effect.

7124. What did Mr. Allen say then?—I think that Ferguson said it would be well if he could see his way and give his vote to Mr. Allen, or his support or his vote, whatever word was mentioned.

7125. To promise to him?—Promise to him.

7126. What did he say to that?—He said, what use was the Ballot Act if he would tell to two or three men what he was going to do.

7127. What did Mr. Allen say in reply?—Mr. Allen in reply said he would write him down "doubtful."

7128. Did you hear him say anything about head-quarters?—Yes.

7129. What was it?—He said he would make it known at head-quarters.

7130. When he said that, were you near him in the field?—Yes, I was in the corner of the field.

7131. Did you hear what Morrow said in reply to that?—Morrow said, "You can do me all the harm you can, Mr. Allen."

7132. Did you hear Mr. Allen's reply to what Mr. Morrow said?—He said, "I wish to do no man any harm."

7133. Did you observe that Mr. Allen had canvassing sheets in his hand at the time he was writing down the answers of each person?—He had sheet lists.

7134. Canvassing lists?—Yes.

7135. I believe you all three went away then?—Yes, we all went away then.

Cross-examined by Mr. Porter.

7136. Mr. Allen had lists in his hand for writing down?—He had lists of voters to know how they polled.

7137. Had he a pencil?—I believe he had.

7138. Did he write down?—He wrote something down.

7139. Was that at the time when he said he would put him down as doubtful?—Yes.

7140. He wrote down "doubtful"?—Yes.

7141. And he wrote that down in the presence of Morrow?—Yes.

7142. Morrow could see him do it?—Yes.

7143. It was after that that he said he would make it known to head-quarters, was not it?—I could not say whether it was after or before.

7144. You did not hear anything said, I suppose, about humberg?—I did not.

7145. Where was it that Allen was when he said that about head-quarters?—I was in the corner of the field.

7146. Had he left?—No.

7147. Had he started to go?—I cannot say he had left.

7148. Can you say he had not; if it was even that he was going away, and spoke that as he was going off, would you contradict it?—I do not know that exactly.

260—Sess. 2.

7149. Was Mr. Allen quite cool at the time?—I cannot say he was quite cool.

7150. Was he angry?—He appeared to be a little.

7151. That is at Morrow giving him the answer?—I suppose so.

7152. Was it before he said he would make it known at head-quarters; did he appear angry at the time he said he would make it known at head-quarters?—He appeared a little angry.

7153. When Morrow said, "You will do me all the harm you can, and little good," what did Morrow convey to you?—He did not say anything.

7154. You formed no opinion of what head-quarters were?—No.

7155. Were you talking this over with Mr. Allen?—We were talking it over.

7156. When?—At different times.

7157. Several times lately?—Yes.

7158. Yesterday?—Yes; it was overheard yesterday.

7159. And you were here when Allen was giving his evidence?—Yes.

7160. Can you tell me any harm your committee could do Mr. Morrow?—I do not know of any.

7161. Can you tell me any injury that it would be to him to be reported to head-quarters, if the committee was head-quarters?—I do not know any.

7162. It never occurred to you to be any other head-quarters?—No; I never thought it was.

7163. Did Allen say to you anything when he went away, what he meant as head-quarters?—No.

7164. What he intended to report?—No.

7165. Did he tell you yesterday what he meant?—No.

7166. It never occurred to you to be the committee?—It never occurred to me that it was the committee, because we had got these lists, and the district pronounced that we were to give in what every person would say.

7167. Did not you know before you went that Morrow was on the other side?—I expected so; I did not know.

7168. You knew perfectly well who was upon the other side?—I expected so.

7169. Therefore there was no disappointment in what he said?—None to me.

7170. You and Allen were talking over it before you went?—I expected he would not vote in that way.

7171. Then you expected it before you went?—I do not know that we had expected it.

7172. Did not you talk of it as you went along: "Come along now we will go to Morrow's," did not somebody say it was no use going to him, he is a Crawford man?—I dare say myself said it.

7173. And you knew he was a Liberal?—Yes.

7174. There was nothing to surprise you in his refusing to give you his pledge?—No.

7175. Or to make you angry?—I was not angry.

Re-examined by Mr. Kiseby.

7176. You canvassed indifferently persons, whether Liberals or Conservatives?—Yes, every person as they turned up.

[The Witness withdrew.]

THOMAS HOWE, re-called; Examined by Mr. Mowbray.

T. Howe.  
23 June  
1890.

7177. You were the expense agent for the Conservatives in 1878?—I was.

7178. Had you heard anything at all of any claim by any Saintfield voters for canvassing before the close of your election accounts?—No, I had not heard of any at the time of closing my accounts.

7179. When did you first hear of any claim made by the Saintfield voters?—As far as I can remember now, some time after that; it would be two months and a week after I returned the accounts to the returning officer, and shortly after that I think I heard something about it.

7180. Who was the man who was putting forward this claim or demand on behalf of some of the Saintfield canvassers?—Speers or Spiers.

7181. What is he?—I do not know.

Mr. Justice Barry.] It is to be observed that when any of the people who got these payments were asked any question about having made any claims, they one and all of them disclaimed anything of the kind.

7182. Mr. Mowbray.] That is precisely what Mr. Howe will say; did this man named Speers reside in Saintfield?—He writes from Saintfield.

7183. Did Speers write to you?—He did.

7184. In reference to the claims?—Yes.

7185. Have you got any of the letters now?—I have got none of the letters now.

7186. Have you looked to see if you could find them?—I telegraphed to find them; but I cannot.

7187. Did you know that Speers was also writing to other persons connected with Lord Castlereagh?—Yes.

7188. Did you see the letters yourself?—Yes, some of them.

7189. Did you yourself see Speers; did he come to you personally?—I think I saw him once, but I am not clear about it.

7190. When Speers came or when you saw him, was there any other person but himself present?—I think there was another man; I think he came to me with another man.

7191. Was that Hillsborough, or to Belfast?—I cannot remember which.

7192. With the exception of this man Speers and the other man, did you see any other persons who subsequently did receive sums of money for canvassing in that district?—I remember speaking to a son of one of our township tenants, or the tenant himself, a man called Prentice, about it.

7193. Was there any list of persons sent to you by this man Speers of the persons who requested to be paid for canvassing?—

Mr. Murphy objected to the question.

7194. Mr. Mowbray.] Have you got the list?—I have not.

7195. Was one sent to you?—Yes.

7196. Mr. Murphy.] You did not know where it came from?—My impression is that it came from Speers.

Mr. Baron Fitzgerald.] I cannot understand how this is evidence at all.

Mr. Mowbray.] I want to show how the man received these sums of money.

Mr. Baron Fitzgerald.] To prove that, it must be done by legal evidence.

7197. Mr. Mowbray.] How long were these demands being made upon you before any sum of money was paid; were there demands made?—There were.

7198. By this man Speers and another?—Yes.

7199. What was the name of the other man?—I cannot say.

7200. Mr. Murphy.] Did not you say that you never saw the man Speers?—He came up to me frequently.

7201. You believe he did; do you know him?—Yes.

7202. Did he ever come to you at all?—Yes; I believe he did.

7203. Can you give time or circumstances?—I cannot.

Mr. Murphy.] Speers is not one of the persons we examined.

Mr. Mowbray.] It is in consequence of the demand made by Speers that the payment is made.

Mr. Baron Fitzgerald.] The fact of the payment is very material, but how this species of account is to make any difference, I do not understand.

Mr. Justice Barry.] It is to show that it was not a matter of pre-arrangement, and it is to take away the suggested analogy between this election and the election of 1878.

Mr. Mowbray.] Yes, my Lord.

Mr. Baron Fitzgerald.] But it must be proved by legal evidence.

7204. Mr. Mowbray.] Have you got any letters that came in reference to this demand?—I have not got any of them now.

7205. How long was it after the first demand was made in reference to this canvassing that any money was disbursed by you for paying the canvassers?—

Mr. Murphy.] He has not shown that there was any demand made.

7206. Mr. Mowbray.] How long was it after the first demand?—I think it was five or six months, or four or five months.

7207. How much money was disbursed altogether for that purpose?—I should think about 32*l*.

7208. To whom was that money given?—I recollect that Mr. Manley got a sum, and Mr. Finnigan got a sum.

7209. Making the entire sum of 32*l*?—Yes, I think it was 32*l*.

7210. You say that you had not been aware up to that time of any claim being made up to the time that these demands came?—Yes, I was very much surprised when they did come.

7211. Was that the only district in which any claim in reference to canvassing did come that you are aware of?—I cannot remember any claim from any part of County Down after closed the account for canvassing but one. I paid 2*l*. to a man, either for going about on his car, or canvassing, after the account closed.

7212. Are

7212. Are you aware that that sum of money, which you so gave out to be disbursed, was so disbursed; who was the gentleman who was acting as conducting agent, or managing for Lord Castlereagh in Saintfield, at that election?—It was Dr. Fulton that I communicated with.

7213. Was a gentleman, also, of the name of Coulter acting in 1878?—I believe he was acting in connection with the election, but Dr. Fulton was the gentleman I had any communications with.

7214. What position does Dr. Fulton occupy in Saintfield?—He is dispensary doctor.

7215. Was that man with whom you had a communication one of the canvassers himself?—I believe he was.

7216. And made a claim as such?—He made a claim for himself.

7217. Was it you that employed Mr. Young to take charge of the district in 1880?—Yes; I had a conversation with him at the last election about his appointment.

7218. And you arranged with him that he should take charge of that district?—Yes.

7219. Did you communicate with Mr. Young the nature of the claims that had been made, and which had been paid in 1878?—Yes; I told him how much difficulty had arisen with reference to a small number of persons in Saintfield having caused a great deal of trouble about payment as canvassers; and I told him he was undertaking a very difficult district, and he must have his wits about him, and be very careful about his arrangements in the management of the district.

7220. Did you tell him what he was to say as to being paid for canvassing?—No. I told him he was to tell them about it; but I cannot remember that part of the case.

7221. Was any claim made upon you with reference to any canvassing at this election on behalf of the Saintfield party at all?—No, I heard nothing of these people.

7222. You were not personally cognizant of what took place between Mr. Young and Mr. Coulter, or any of the gentlemen down in Saintfield?—No.

7223. You only knew the instructions given?—Yes. Mr. Young was specially selected for the Saintfield district. He had been in the Meira district upon the previous election. We selected him as a man of considerable experience, in order to keep Saintfield in hand.

7224. As far as you know, was there any promise or inducement held out to the Saintfield people that any money of any kind would be received by them in respect of canvassing at this election?—No.

7225. And you have no intention of meeting any such demands?—No.

Cross-examined by Mr. Murphy.

7226. After 1878 there was no demand made in reference to canvassing until more than six months had elapsed?—Shortly after I closed my expense agent's account, which was about two months and 30 days.

7227. I thought you said somewhere about six months?—I said none of the money was disbursed for payment to these people for four or five months; those two cheques that I drew.

7228. You said five or six months before?—Yes, five or six months; that is more correct.

7229. It was about a couple of months after the election that the demands had come in?—It was after I had closed my account; I do not know how long after I had closed my account.

7230. Was the money distributed through Dr. Fulton and Mr. Coulter?—That I handed over?

7231. Yes?—I do not know what became of it when I handed it over.

7232. Did you ascertain whether Dr. Fulton and Mr. Coulter had paid that money?—I did not.

7233. Did you know anything at all about it being distributed by Dr. Fulton and Mr. Coulter?—No, I did not.

7234. Did you ascertain at all who the persons were to whom the money had been paid?—I did not.

7235. Did you ascertain at all whether they were voters or not?—I did not.

7236. In fact, I suppose you took it to be all correct?—I got the order to hand Mr. Manley a cheque for £91, and Mr. Finnegan a cheque for £24.

7237. An order from whom?—It was in consequence of Mr. Brownlow having requested me to hand them these two sums of money.

7238. You had not made any representation to Mr. Brownlow about it?—I had, frequently; and Mr. Brownlow to me.

7239. And after some time he requested you to hand it them?—Yes; Mr. Brownlow had been continually worried by applications, and I had been continually worried, and Lord Castlereagh as well. Mr. Brownlow was coming to Hillsborough to stay a few days, and I had a conversation with him about it, and he determined to get rid of this perpetual nuisance. He complained to me that they were perpetually attacking him upon the subject; and to get rid of the nuisance he requested me to hand this amount over to these persons; I suppose, to be applied in that way.

7240. You did not keep a list of the names of persons who caused the nuisance?—I did not keep a list of them.

7241. You did not give a list of their names at all to Wellington Young, of course?—I did not.

7242. I suppose you had some means of ascertaining who the persons were?—Yes, I had their names before me at the time.

7243. Did you consider that they were getting payments they were not entitled to?—I did not. I made myself acquainted with the fact that they had rendered services.

7244. Had you made yourself acquainted with the fact whether they had voted or not?—I had not.

7245. Did not you say that you thought it was a strange claim to be received; if it was only an ordinary claim for actual services rendered, why did you look at it as strange, and as persecution, and warned Mr. Young against it?—Because it seemed to be got up by a few persons residing in Saintfield.

7246. To be got by them?—Yes.

7247. Did you think it a payment to which they were fairly entitled?—Yes; I thought they had rendered some services.

7248. From whom did you make inquiry?—I had letters from Dr. Fulton about it. I can remember that he told me something about them, and that they were constantly applying to him.

7249. Had Mr. Coulter told you about it?—No, I think not.

X

7250. What

T. Horn.

23 June  
1880.

*T. Hoar.* 7250. What was the entire sum you paid for canvassing agents in 1878?—I cannot tell.  
 7251. You cannot say what it amounted to at all?—No.

7252. Can you tell the amount of the car expenses in 1878?—No, I cannot.

7253. You cannot tell that neither?—No.

7254. You do not recollect the sum?—No.

7255. In your accounts sent in at this time I find several sums as if paid to yourself; for instance, the sum of 79 l. 16 s. ?—Yes.

7256. Was that given to you for disbursements?—No; I took it in payment for my services for conducting the district.

7257. Your own services for conducting the district?—Yes.

7258. There was 100 l. previous to that?—Yes.

7259. Did you take it in payment of your services?—I took it on account of my services as expense agent. A good many expenses which are not necessarily part of an expense account are included in the account.

7260. Here is 4 l. 8 s. 4 d. paid to yourself; what is that for?—I do not remember the item. It must be for travelling expenses.

7261. I see an item here, "W. Fraser, 53 l. 10 s.;" was he a solicitor?—Yes.

7262. Was that for services he rendered?—Yes.

7263. Was he a voter?—I do not know that.

7264. You do not know whether he voted?—I do not.

7265. Where does he live?—He lives in Newry.

7266. Mr. Joseph Dixon?—Yes.

7267. He is a solicitor?—Yes.

7268. What sum did you pay him?—I think I paid him 10 l. for a committee room.

7269. Was not he paid for acting as a solicitor?—No, he was not.

7270. Are you sure of that?—I am certain he did not make any application to me for payment as a solicitor.

7271. Where does he live?—In Down.

7272. Have you a recollection of the expense

of the canvassers in 1878?—I cannot speak to my recollection. Since I came into Court I heard a detailed account of the expenditure of 1878 read.

7273. Was it correct; agents' expenses and canvassers, 3,829 l. ?—That included payments to all the agents, inspectors, and personation agents, as well as to canvassers.

7274. Cars, 2,939 l. ?—Very probably.

7275. Clerks and messengers, 1,756 l. ?—Very probably.

Re-examined by Mr. Meares.

7276. You were asked as to paying sums of money; were all the sums of money, even when the sums paid were only a few shillings, paid by you by cheque?—Yes, I sent a cheque to every individual to whom payments were made.

7277. Even if only a few shillings were paid?—Yes; if 10 messengers came I was asked the names of the 10 persons, and gave 10 cheques to the 10 persons, and take 10 receipts.

7278. You say that this money was paid to get rid of a nuisance. As to the man Speers, who was the spokesman upon that occasion, were the Liberal committee rooms in his house at the last election?—I do not know.

7279. Have you seen Speers in Court?—I have seen him to-day; he was pointed out to me.

7280. You say a number of names were returned, and you mentioned the name of a person called Prentice; and you said this was a clique in Saintfield who were putting forward the claims of other people?—I think so.

7281. Do you know that Prentice was put forward without his knowing anything about it?—I spoke to him and his father together. I said we were displeased to think that persons like them should be parties to this sort of thing that was going on; and he spoke to me at the time as if he had been entirely separate from it, and had nothing to do with it; and he expressed himself much surprised that he was in it at all.

[The Witness withdrew.]

JOHN COULTER, sworn; Examined by Mr. Kibbey.

*J. Coulter.* 7282. You acted in 1878 in some capacity at the election?—I did.

7283. For the Saintfield district?—For the Saintfield district.

7284. In what capacity did you act?—I was clerk in the committee rooms.

7285. I believe you are connected with the county surveyor's office?—I am.

7286. Do you remember some time after the election having some conversation with a man named Spiers?—Several times.

7287. Were any claims put forward by Spiers in the course of those conversations?—

Mr. Murphy objected to conversations with Spiers being gone into.

Mr. Baron Fitzgerald. I cannot see the bearing of it upon the case.

7288. Mr. Kibbey (to the Witness). Do you remember being present subsequently, when several persons received sums of 30 s. and 2 l. ?—I do.

7289. Were you cognisant of the arrangements which were made for canvassing in 1878?—I was.

7290. Were those payments made in pursuance of any arrangements made with the parties who received the payment?—Certainly not.

Mr. Justice Barry. What were the arrangements in 1878?

7291. Mr. Kibbey. What were the arrangements with those parties; canvassers, generally?—The canvassers were employed; the committees were summoned to attend the meetings of the committee, and the first night of our meetings they were asked to take the different townlands in their different districts, and they undertook to do so; there was no payment made, or anything of that description, in 1878.

7292. Was the idea at the time that they were doing it voluntarily?—Undoubtedly.

7293. You were present at the payment of some of those parties?—I was.

7294. How

7294. How many of them do you recollect received payment altogether?—I really could not tell.

7295. Can you say about how many?—I should say about 14 or 15; I could not at the present moment say.

7296. The sums varied from 30s. ?—From 30s. to 4l. 10s.

7297. Being generally sums of 2l.—On the average.

7298. Was any of that money for car hire?—Not that I am aware of.

7299. Do you remember, when Mr. Young was in charge at the recent election, statements being made by him in the presence of the committee as to whether the persons would or would not be paid?—I do.

7300. State what Mr. Young said in the presence of the persons who undertook to canvass?—The first evening that Mr. Young came over to Saintfield he issued a circular to the different members of the committee to meet him three days, I think, after that, and he came over to that meeting from Lishurn on the evening of the meeting of the committee, and previous to going into the committee room where the different members of the committee were assembled, I brought him into another apartment in the hotel, and I told him what had taken place.

[Mr. Murphy.] You are not asked that at all.

7301. Mr. Kirby.] You told him what had taken place in 1878?—Yes.

7302. Did he subsequently go over to the meeting of the committee?—He did.

7303. State what he said at the meeting of the committee in your presence?—The words that he used, or nearly the same, were these, that he wanted the farmers in the different townlands to canvass their neighbours, that he could get any amount of paid agents, but that on the present occasion, from what took place in 1878, he would not have one; they would not have anything to do with paid agents or paid canvassers.

7304. Did the persons after that announcement voluntarily undertake to canvass the townlands of their neighbourhood?—Cheerfully.

7305. Did you on any subsequent occasion repeat in somewhat similar terms the same observations?—Not that I am aware of.

7306. You were not present upon any other occasion; had Spiers been on the committee in 1878?—He was not really a member of the committee; he was not a voter in 1878.

7307. Had he attended meetings of the committee?—Yes.

7308. Had he attended any meetings of the committee in 1880?—Certainly not.

7309. Were the Liberal committee rooms held in his house in 1880?—They were.

Cross-examined by Mr. Porter.

7310. The distinct understanding in 1878 was that the services were to be gratuitous?—There was no understanding whatever.

7311. Was it your intention that the services should be gratuitous or paid?—Certainly that they should be gratuitous.

7312. And as far as you understood there was no arrangement to pay?—None.

7313. Did you think the persons employed

looked upon it in the same light as you did?—I have every reason to believe so.

7314. They looked upon it as gratuitous services in 1878?—I certainly thought it so.

7315. You summoned the first committee meetings in 1878?—I can hardly say.

7316. But you were present?—I am certain I was.

7317. You knew the persons employed as canvassers upon those terms?—In 1878?

7318. Yes?—I believe I know most of them.

7319. You knew them at the time?—Yes.

7320. And you knew them this year also?—Yes.

7321. You are aware that many were the same as canvassed in 1880?—Yes.

7322. Your impression is, that the services in 1878 were to be just as gratuitous as in 1880?—Certainly.

7323. After the election in 1878, how soon was it before you paid them?—I think it was five or six months afterwards; I was present when they were paid.

7324. You summoned them to the committee meeting?—I think so.

7325. Was it a genuine transaction, or was it a farce?—It was a genuine transaction.

7326. Was there any such a thing as a committee meeting?—There certainly was not.

7327. Were they admitted one by one?—They were admitted one by one; but I will explain that: the place where they were paid was in my office; it is a pretty large place, formerly a shop, and at the rear of the shop there is a little parlour about between six and seven feet square; they were paid in that.

7328. Is it your explanation that it would not hold more than one in it at a time?—Certainly not.

7329. But that is the only explanation you give of their being paid more than one by one?—The room could not have held all that were present.

7330. Is there anything else you wish to add?—No.

7331. Is that the reason why they were admitted one by one?—I think so.

7332. Now, Mr. Coulter, because the room would not hold all, is that the reason why they were admitted one by one?—There was no particular reason for doing it.

7333. Was anything said upon the occasion as to what the payment was for?—It was understood to be in connection with the canvass that had been made.

7334. Was anything said about what it was for?—Nothing more than that.

7335. Had these men made claims themselves?—I understood so.

7336. Did they make claims to you?—Repeatedly.

7337. These men that were examined here yesterday?—Yes, repeatedly.

7338. They swore they knew nothing of it until they were summoned to the committee meeting?—I cannot mention any particular men, but different members and parties who got payment made claims repeatedly.

7339. Do you mean to say that anyone was paid except persons who had made claims?—I understood so; I understood that all who made claims were paid, and those only.

7340. And that none were paid in 1878 except persons

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persons who had actually made claims?—Not that I am aware of.

7341. Were there any other paid canvassers to your knowledge in your district?—None.

7342. Then all the canvassers that canvased in that district were, as a matter of fact, paid?—Those parties were paid.

7343. Do you know of any other canvassers in that district except the parties who were paid in 1878?—I do.

7344. At the time when you paid them were you aware that they had voted?—I have no particular knowledge myself.

7345. Did not you know they had?—I understood they had.

7346. You understood that it was a criminal offence to pay them?—I did not.

7347. You did not know that it was anything wrong?—I did not.

7348. And you never heard there was anything wrong about it?—I never did.

7349. Was there ever such a thing as a committee meeting held upon that occasion?—Certainly there was no committee meetings.

7350. Though they were summoned to a committee meeting?—They were not summoned to a committee meeting.

7351. Did not you say they were?—There was nothing said about a committee meeting.

7352. Did you hear them swear they had a note summoning them in to a committee?—No, I was not there.

7353. Anybody who swore that did not speak the truth?—I do not recollect that they were called to a committee meeting.

7354. How were they called into it?—Sent for.

7355. How?—By letter.

7356. What did the letter say?—I cannot say.

7357. Did it say "come in for payment"?—It did not.

7358. Were they paid in cash?—Yes.

7359. Where did you get the cash?—Mr. Finnegan paid them.

7360. Paid them in cash?—Yes.

7361. Did Mr. Finnegan pay them all?—I believe he paid all.

7362. All you know of?—All I know of.

7363. Was it all in the course of an evening?—It was all in the course of an evening.

7364. How many were paid in 1878?—I really could not tell; I suppose 14 or 15.

7365. Was every one of those who were paid in 1878 employed in 1880?—I could not, unless I had the names before me, tell; a great number were.

7366. Did you interfere with any of them in 1880 as to the contract under which they were to work?—Certainly not.

7367. Was anything said, as far as you know, as to there being no pay except what was said by Young?—Certainly not. I heard afterwards that several of the committee, that were not present when Mr. Young made the statement, asked whether it was true; I told them it was.

7368. As far as you know, was any statement made, by any authoritative person except Mr. Young, that there was to be no payment?—Mr. Young is the conducting agent, and entitled to make that statement.

7369. That was the only person who made it, as far as you know?—I made it myself to several.

7370. Is this what Mr. Young said, that he wanted the farmers to canvass their neighbours?—Yes, he would not have anything to do with paid canvassers; he could get plenty of paid canvassers; those are the words used, as nearly as possible.

7371. Did you warn these men, "You were paying in 1878, but I tell you distinctly it was a wrong payment, and you will not be paid a farthing now"?—No; as far as regards wrong payment, they were not to be paid in 1878, and they were not to understand this time that anything would take place after the election the same as what took place after 1878.

7372. Did you tell each one of them?—There is not a single member of the committee that did not perfectly understand it.

7373. I did not ask that; you knew these people were paid, and you called their conduct wrong in setting up their claims?—Yes.

7374. Did you think it dishonest?—I do not know anything about dishonesty.

7375. If your understanding there was to work for nothing, that you call a dishonest claim?—I thought they had no right to make it.

7376. Did you hear Mr. Macdonogh state that processes were issued or threatened?—I think it was so.

7377. You heard this about the processes?—I heard there were processes; I cannot say whether issued or threatened.

7378. Did you hear that there were processes issued?—I heard something in the nature of processes.

7379. What did you hear?—I heard there were going to be processes.

7380. Did you say this moment they were threatened or issued?—I heard it.

7381. Having heard of processes either issued or threatened, knowing the money was paid, did you regard it as an improper payment in 1878?—I could not tell by whom the processes were issued.

7382. Did you regard it as an improper payment on the part of your party in 1878?—I thought they had no right to get the money.

7383. Knowing the men were voters, did not you think it right to employ none of them in the 1880 election?—I did not look at it in that light at all.

7384. You had employed them?—Yes.

7385. The very same men?—The greater number, I believe.

7386. Mr. Justice Barry.] You say that no man received payment but the persons who made claims in 1878?—Yes.

7387. You were not here yesterday?—I was here yesterday.

7388. Did you hear them examined?—I did not hear them examined.

7389. Would you be surprised to hear that everyone swore, one after the other, he never made any claim, and never knew of any claim, till he was suddenly called in to attend the committee meeting, and did not know why he was sent for?—I was surprised when I read it in the paper.

Re-examined by Mr. Kidey.

7390. Were some claims made for them through Spiers?—As far as I know, they were all made through Spiers.

7391. Mr. Porter.] Do you mean the men you mentioned?—No.

7392. Mr.

7392. Mr. Kinsley.] Will you explain it?—Shortly after the agitation for payment got up in Saintfield, between two and three months after the election, I was at Mr. Finnegan's office in Belfast, and he showed me a list of the people who had made claims sent to him, and he asked me who they were, and what they had done at the election.

7393. Did you speak to Spiers about that list?—I could not say that I did.

7394. Had Spiers spoken to you about these people?—He was continually running about after them.

7395. Was he making claims, in point of fact?—He was.

7396. For himself and others?—Yes.

7397. Including the people that were in that list?—Yes.

7398. Mr. Justice Barry.] Did he get any payment himself in 1878?—Not that I am aware of.

7399. His claim was not recognised?—Not as far as I know.

7400. Can you account for the circumstance that no one of these men mentioned to the other the fact?—They all know perfectly well they were paid when I said there was no committee meeting outside; at that time they were paid. After they were all paid, Mr. Finnegan spoke to them in the outside office, and said he could not; there would be no such thing in this election; he had no right to pay them.

7401. Mr. Porter.] Then there was a committee meeting?—It was not a committee meeting.

7402. Were they all assembled in the outer office?—Yes.

7403. Were they taken into the inner office, one by one, to be paid?—Yes, they were.

[The Witness withdrew.

The Rev. J. D. BURNSIDE, sworn; Examined by Mr. Meares.

7404. You are a clergyman of the Presbyterian Church?—Yes.

7405. And have been for a considerable time acquainted with Mr. Finnigan?—I have.

7406. And I believe you have taken a pretty active part in political life, one way and another?—Pretty well.

7407. Where do you reside?—In the Newtownbreda district.

7408. Do you recollect being at any time in the committee-room in Lombard-street, when Mr. Finnigan was there, shortly before the publication of the article to which reference has been made?—I do.

7409. Had you heard the ballot question discussed pretty considerably before that, the question of the secrecy of the ballot?—I had read about it scores of times.

7410. Did you see the article signed "Inquirer," in "The Whig"?—"Observer" or "Inquirer"?—I saw the first letter.

7411. "Observer" was the one about Colonel Ford's?—I saw the first letter.

7412. And Mr. Finnigan's reply?—Yes.

7413. Did you see the attacks made upon Mr. Finnigan at the time in the columns of "The Whig"?—Yes.

7414. A speech made by the editor down at Crumlin?—I heard it.

7415. Did you speak to Mr. Finnigan about the propriety of setting himself right with the public as to these charges?—I told him he was suffering injury from these charges.

7416. What was the nature of the charges?—He was charged with being a trickster and being dishonest; and I remember one charge particularly that annoyed me very much; it was said, I do not say this was the word, but it was said Lord Castlereagh was a trickster fit for Lord Beaconsfield, and Mr. Finnigan was a trickster fit for Lord Castlereagh, or something to that effect.

7417. Anything to the effect of this statement he was making about the ballot was false and without any foundation?—Undoubtedly.

7418. False to your knowledge?—Yes.

7419. Do you recollect seeing Mr. Finnigan after a meeting had been held by him at which

some editors of newspapers and other gentlemen were present?—Do you refer to the meeting at Crumlin?

7420. No, I refer to the fact of Mr. Finnigan having met some gentlemen in Belfast to express his views as to the ballot question?—Yes.

7421. Do you recollect, shortly after that meeting, seeing Mr. Finnigan?—I do.

7422. Where did you see him?—I went to his own office to see him; I went there before that meeting.

7423. Did you see him upon that occasion?—Yes.

7424. Without telling me the particulars as to what passed, did he in substance tell you the explanation he had given to the gentlemen, and their being satisfied that these statements were borne out?—He did.

7425. Did he tell you about his being able to point out how the defects in the ballot could be remedied?—Yes, he mentioned that.

7426. Are you the author of the article that appeared in "The Belfast News Letter," of the 24th of March?—I wrote the principal part of it.

7427. Mr. Lilburn said he touched it up afterwards?—The words "we were present," were not in the original.

7428. Mr. Lilburn was present at the meeting?—Yes.

7429. So that there were some words which, Mr. Lilburn added, not in your original draft?—No.

7430. Substantially, was the article written by you?—It was written by me.

7431. Was it suggested by anybody?—No.

7432. It emanated entirely from yourself?—Yes.

7433. Did you show that to Mr. Finnigan before you sent it?—I did not.

7434. Did you even tell him you were going to write it?—I did not; I did go to the Crumlin meeting specially, and took "The Whig" in my hand with me, and I said, "You must do something to counteract these effects;" and I said something should be written, and something should be done, "for both you are personally being injured, and our cause is being injured by it."

7435. What did Mr. Finnigan say to that?—He

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Burnside.

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He said he had been so busy, that he had not a moment to spare getting the different cognations set going for Lord Cadereagh, but as soon as he could he would reply to it effectively; that referred to demonstrating this matter before the individuals referred to.

7436. That was previous?—Yes.

7437. You say you had not shown that letter to him after you had written it, before you took it down to "The News Letter" office for publication?—I did not see him.

7438. Did you tell him you were going to write such a letter?—I did not see him that day at all.

7439. The letter appeared the following morning; let me call attention to it. This is substantially your letter: "Mr. E. S. Finnigan is the best abused man in Ireland;" was he, in your opinion, one of the best abused men in Ireland?—The best abused man I have known for 20 years during that time.

7440. "The 'Whig' a few weeks ago served him up as a dish for its readers regularly every morning;" is that true?—I should not say literally every morning, but almost every morning.

7441. "And as if that were not enough, the editor, at a meeting at Crumlin on Monday night, again attacked him with right good will;" was that perfectly true; have you seen a report of the speech?—I have.

7442. "He said that he went down two evenings to the 'Whig' office to have an interview with Mr. Finnigan, who had promised to meet him there to explain his ballot ideas, but no Mr. Finnigan came; the editor had, however, previously accounted for Mr. Finnigan's absence; for in an editorial he stated that that gentleman had gone to London; how could he then appear in the 'Whig' office?" that was conclusive reasoning?—I thought so.

7443. "Mr. Finnigan has not returned from London, and it would have been well for the 'Whig' had he remained there; he returned to resume the position so well filled by him in 1878, and he took the earliest opportunity of fulfilling his promise to explain his ballot statement in detail. Then you mention the attendance of gentlemen some few evenings before, and Mr. Finnigan told you that conversation?—Yes.

7444. And afterwards you say, "We were there ourselves;" they are not your words?—No.

7445. "If they found out that he was correct, he only requested them as honourable men to defend him if they heard his character assailed or his statement controverted, for he had determined not to enter upon a newspaper discussion;" had he told you so?—Yes.

7446. That he would not enter into any newspaper discussion himself?—Yes.

Cross-examined by Mr. Murphy.

7447. You had read the commencement of this?—Yes, I have.

7448. And you had read the letter of the person who signed himself "Inquirer," in the "Whig" of 20th February 1880, to which Mr. Finnigan wrote a reply?—I read the letter, but do not recollect the date.

7449. Is this the letter you read? "20th February 1880. To the Editor of the 'Northern Whig.' Sir, as you have always been the

advocate of liberal and tenant-right principles, I beg to draw your attention to some facts which are of importance, and, I think, should receive some attention now, on the eve of a general election. The Tories are making every exertion, determined by fair or foul means to hold the representation of the county, and for that object have been holding meetings all over the country, for the purpose of organising canvassing committees, &c., in each polling district. The game they are playing is the old one, of trying to convince the tenant-farmers that the ballot is not secret. They had a meeting (private) lately at Mr. McNeill's, Craigdown, and one in Aloghill (private also), at both of which Mr. Finnigan, of Belfast, was present, and firmly enjoined on the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election he would give Mr. McNeill a list showing how every tenant voted. He also said for the tenants not to be deceived by the Liberals telling them the ballot was secret, and challenged them to bring any three Liberals and discuss the question of the ballot secrecy, and let an umpire decide; and if the decision be against him, he would pay all expenses and give them a good supper. The Tories played this game very successfully at the last election; but since that tenants had been better educated on the ballot. Yet, when statements like these are brought to bear on them, a great many will not know how to act, and many may act against their minds rather than run any risk of incurring their landlords' displeasure. I place these facts before you, to let you see some of the unmanly means the Tories are having recourse to in order to accomplish their object; and I think you would do a great service to the Liberal cause if you would give your readers some instructions with regard to the working of the ballot, and if there is a possibility of a landlord knowing how a tenant votes. If the statements the Tories are making be true, the ballot is worthless, and if they are false, they should at once be exposed. Yours, &c., *Inquirer*."—You recollect having read that letter?—I do.

7450. What did you look on as a serious charge made in that letter against Mr. Finnigan?—I regarded it, first, as an effort to show that the Tories were going to make it appear that the ballot was not secret, and I regarded it, secondly, as an attempt to injure Mr. Finnigan's credit with us.

7451. What was the charge you considered made against Mr. Finnigan in that letter?—The charge against him was saying that the ballot might be not perfectly secret.

7452. And did you look on it also that there was an endeavour made by him to let the tenants know it was not secret?—I did not.

7453. You did not?—I did not.

7454. What do you mean by this, when you say, "he firmly enjoined on the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election he would give Mr. McNeill a list, showing how every tenant voted." Did you look upon that as the serious part of the charge?—I did not believe it.

7455. I know you say that, but did you look upon that as the serious part of the charge, first that this gentleman was striving to impress the tenantry with the belief that the ballot was not secret,



secret, and that their landlords could know how they voted; was not that the substance of that charge?—No, I did not look upon that as the first part of the charge, because I took the letter consecutively; that I believe is at the end.

7446. It is in the middle?—There is another charge against us in the part before that, which I considered the gravamen of the letter; that came in after that, which I considered also another charge against us. The first charge is against the Tories trying to make the tenants believe that the Ballot Act was not secret.

7447. Mr. Justice Barry.] You considered it a very grave charge?—I considered it a very serious charge.

7448. Mr. Murphy.] Striving to make them believe the ballot was not secret?—Yes.

7449. Was it because you yourself considered it secret?—It was because I knew that such a thing had not occurred in the County Down; it was utterly untrue.

7450. You say you considered it a grave charge to bring against the party, supposing yourself to be one of them?—I do.

7451. It is a thing you would not do yourself?—I would not.

7452. You would not at all strive to impress on the tenants the fact that the ballot was not secret?—I would not.

7453. Because you would consider that it would be depriving them, or giving them to understand, they had not the protection which the ballot intended to give them?—I would not do it; it would be contrary to law.

7454. And you would think it a wrong thing to do?—Yes.

7455. That follows on your saying that Mr. Finnigan "enjoined on the canvassers the necessity of impressing upon the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election he would give Mr. McNeill a list showing how every tenant voted." Now, you looked upon that of course as a serious charge against Mr. Finnigan individually?—I would have done so if I had believed it, but not believing it, I did not look upon it.

7456. Whether it was true or false, was not it a serious charge, and so much the worse because it was false?—Yes, taken in that way.

7457. He also said "for the tenants not to be deceived by the Liberals telling them that the ballot was secret;" did you think that was a charge against him too; would it have been a wrong thing for him to do?—If it had been true, it would.

7458. Then you would have considered it wrong for any one to stir abroad the belief among the tenants that the ballot was not secret?—I would, if it was intended for the purpose of leading them to believe it.

7459. I believe, if the belief was spread amongst them, you would have considered it wrong?—Yes.

7470. Because it would have been putting them under the impression that they could not vote in secret, that the landlords could know how they voted?—If that was the motive, I would have considered it wrong.

7471. Did you read the article that was written in which it said, in the same paper, "We are told that at two meetings recently, one at Craigdon and another at Abohilly, Mr. Finnigan, whose electoral efforts, it seems, are

not confined to Down, was present, and firmly enjoined on the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election he would give Mr. McNeill a list, showing how every tenant voted." It goes on to state "We quote these words just as they are reported to us by our correspondent," only to afford Mr. Finnigan, who, notwithstanding political differences, we believe to be an honourable gentleman, an opportunity of denying their accuracy; we are quite sure that he never used such foolish, wicked, and untruthful language." You read that article?—I read that and agreed with it.

7472. Did you read Mr. Finnigan's reply to that letter, and the article that accompanied it in the same paper?—I did.

7473. Did you consider his reply an answer to it?—I do not exactly understand the question.

7474. Did you consider that his reply answered what you considered the charge in the letter and in the article?—It was an answer.

7475. We will read it?—It is partially an answer.

7476. I will read the letter out for you?—

7477. Mr. Murphy.] The letter and the leading article that I have read to your Lordship both appeared in the paper of the 20th of February. (To the Witness). "The Conservative landlords and their agents, in preparing for the pending electoral struggles in Ulster, where nearly every seat is likely to be contested, are taking a very unusual course; instead of trusting to reason or to their legitimate proprietary influence, founded on their good relations with their tenants, they are endeavouring to resort to the old practice of intimidation. But the Ballot Act stands in their way. They cannot know, and they have no legal right to know, how their tenants vote. They are, however, in Donagall, Down, Derry, and Antrim, endeavouring to remove from the tenants their sense of security under the Ballot Act. They are neglecting no means to impress falsely upon the minds of the electors the belief that their votes, when given to independent candidates, may be found out. The fact is just the contrary; it is not in the power of any landlord or agent to discover how any individual tenant may vote. Of this fact every tenant farmer in Ulster may be assured. The law now, thanks to Mr. Gladstone and the late Liberal Government, gives the tenant the fullest protection in recording his vote according to the dictates of his own conscience. No landlord, no agent, no bailiff has a right to know how any tenant votes. Any deliberate attempt by a candidate, or the friend of any candidate, to violate, or to pretend to violate, the secrecy of the Ballot Act, for the purpose of intimidating even a single elector in the manner in which he may exercise the franchise, would unquestionably violate the election of such a candidate: it would be just as illegal as bribery. We are induced to make these observations at the present time by a letter which appears in another column. The Tory landlords of Antrim are getting ready for the contest in their county after the old fashion. We can scarcely believe, however, Mr. Finnigan to be guilty of the conduct alleged by our correspondent. We insert the letter signed 'Inquirer,' that we may give Mr. Finnigan the opportunity of correcting what we are sure must be an erroneous impression."

Rev. J. D.  
Burside.  
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1880.

specting the language he is stated to have used about the secrecy of the ballot, and the challenge he is said to have given. We are told that at two meetings recently, one at Craigdon and another at Alghill, Mr. Finnegan, whose electoral efforts, it seems, are not confined to Down, was present, and firmly enjoined on the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election he would give Mr. McNeill a list showing how every tenant voted. He also said for the tenants not to be deceived by the Liberals telling them the ballot was secret, and challenged them to bring any three Liberals and discuss the question of the ballot secrecy, and let an umpire decide; and if the decision be against him he will pay all expenses, and give them a good supper. We quote these words, just as they are reported to us by our correspondent, only to afford Mr. Finnegan, who, notwithstanding political differences, we believe to be so honorable a gentleman, an opportunity of denying their accuracy. We are quite sure that he never used such foolish, wicked, and notwithful language. We are quite sure that he will indignantly repudiate the words thus put into his mouth. He knows as well as we do that the secrecy of the ballot cannot be violated, and that any attempt to violate it would defeat the object sought to be accomplished by such means. A cause which has to resort to these arts at the next great electoral struggle is already lost." His answer was in these terms on the 23rd:—"Sir, extreme pressure of business alone prevented me from immediately responding to the courteous request contained in your letter of Friday last, that I would either affirm or deny the statements attributed to me by 'Inquirer' relative to the coo-secrecy of the ballot system. I now crave space for a reply. Stripped of all verbiage and the usual references to Tory inequalities, of which the country has recently heard so much and heeded so little, your correspondent's statements resolves itself into this, that I affirmed that the Ballot Act did not provide a complete protection to the voter, and that it was possible to ascertain how each voter had voted. Without the slightest hesitation, I admit that your correspondent is quite correct, and that I did assert this; and I now go further, by affirming that is not only possible, but easy to ascertain, if desirable, how each individual voter has recorded his vote. Within the last few years, experience gained at the counting of votes enabled me to perceive that the historic 'coach and four' could be driven through the Ballot Act. Being curious to know whether this opinion was sound or not, I explained the matter to barristers, solicitors, and experienced election agents, Liberals and Conservatives alike, and, though some were incredulous when I mentioned the subject, I was able ultimately to convince all that my contention was sound, the only difference of opinion being as to the per centage of individual votes which could be ascertained, some putting this as low as sixty, others as high as eighty per cent. It was of course admitted that if even the vote of one individual could be known, there was an end to the secrecy of the ballot. I am accused of going about from place to place for the purpose of intimidating the electors, and 'Inquirer' asserts that I promised at one meeting to supply a landlord, after the next election, with a list showing how each of his

tenants voted. This I emphatically deny. I have attended hundreds of meetings, and never referred to the subject. At the very meeting mentioned by 'Inquirer,' I was twice pressed by a respectable farmer to explain to him, if it was possible to find out, how those about him, who said one thing and did another, voted. I did so to his intense satisfaction. I am also accused of wickedness, &c., in endeavouring to evade an Act of Parliament, and pains and penalties are threatened. Into the theology of the subject I decline to enter, as my theological training does not enable me to see the 'wickedness,' and my legal training teaches me that I cannot suffer pains and penalties for merely showing how a thing can be done. You are aware that it is a weakness of inventors to exhibit their ingenuity to their friends. I admit the weakness. 'Inquirer' appeals to you for help. It may ease his troubled conscience when I tell him that I am engaged in providing help. Events have shown that the Conservative party have no reason to fear the ballot; hence I have aided in drafting for a prominent Conservative M.P. amendments to be moved when the Renewal Bill comes on for discussion this Session, which, if adopted, will remove the defects in the Act; and thus 'Inquirer' will be enabled to adopt the teaching of a Liberal leader during a recent election, and say one thing and do another; though I do not for one moment say that 'Inquirer' would do so without any fear of his dual action being known to either landlord or agent. In conclusion, I have to thank you for your courteous references to me personally; and therefore, to prove beyond doubt to you that what I state I believe to be true and is so, I shall, if you so desire, call upon you at your office before the ballot discussion comes on this Session, and explain my ideas in detail, which I could not easily do through your columns. May I then hope to obtain the benefit of your advice and experience in enabling me to perfect the amendments I have referred to, so that the ballot may be reformed, what it professes to be but what it is not, secret? Yours, &c., Edward Shirley Finnegan." Were you able to follow me in reading that?—I was able to follow you.

7478. Do you see that in his letter Mr. Finnegan states that he did explain to a farmer substantially that he could find out how any one voted?—Yes, I see he spoke of the possibility of that.

7479. Not the possibility, but mind what he says; he says, "I go further, by affirming that it is not only possible, but easy to ascertain, if desirable, how each individual voter has recorded his vote," was not he publishing there his discovery, that it was easy to find out how each individual voter recorded his vote?—Yes, it was possible, and it might easily be effected.

7480. When you use those words, are not they a little contradictory, that it was an easy thing to do; is not that what he says?—Not exactly.

7481. "Not only possible?"—That is it.

7482. "But easy?"—Yes.

7483. Which of the two does he say; that it is possible?—

Mr. Baron [Fitzgerald.] He means it is possible and easy.

7484. Mr. Murphy.] You say it was possible, but not easy?—I just took the words as they are in the letter.

7485. "Not

7485. "Not only possible, but easy, if desirable?"—Yes.

7486. Does not that intimate that it could be ascertained easily how any individual voter had voted?—It intimates that such a thing could be done.

7487. Had not you before this said you believed it could be done?—I never thought of the question.

7488. And you thought it was a wrong charge to bring against a man, that he said that could be done which could not be done?—No, I did not say that.

Mr. Justice Barry.] I understood you to say that you thought the publication of any such assertion, irrespective of truth or falsehood, was a wrong thing.

7489. Mr. Murphy.] Did you read the article following that, in which it was mentioned that Mr. Finnigan passed over a charge in which it was said he recommended the canvassers to communicate it to the voters?—If you read the part it referred to, I will tell you, but I cannot hear it in mind.

7490. This is an article of the next day, February the 24th, the leading article in reply to that letter: "Mr. Finnigan yesterday replied to our challenge to repudiate or confirm what our correspondent 'Inquirer' stated respecting the language he was alleged to have used about the ballot. Though the candid secretary of the County of Down Constitutional Association will not admit that he used the words ascribed to him for the purpose of intimidation (no electioneering agent, even in Ireland, ever admits that he wishes to intimidate voters), Mr. Finnigan substantially confirms the accuracy of the report about his utterances forwarded to us. Mr. Finnigan not only admits that he did assert that the ballot did not afford complete protection to the voter, but that he will go further, and maintain that 'it is not only possible but easy to ascertain how each elector has recorded his vote.' This gentleman boasts of having made this discovery. He appears as proud of it as Archimedes when he exclaimed Eureka, and proclaims his readiness to communicate this discovery to others. 'You are aware,' he writes, 'that it is a weakness of inventors to exhibit their ingenuity to their friends. I admit this weakness.' He is ambitious to improve the Ballot Act, not, he assures us, to destroy it; and he is anxious to co-operate with us in suggesting amendments for the improvement of the Act before the discussion on its renewal comes on. We are quite willing to receive the information of Mr. Finnigan's discovery, and to let it be known, but we think that he might do a little more, and after his own candid letter to us, follow it up by another, letting our readers into the secret which he appears to have made his own. Mr. Finnigan rejects with indignation the imputation that he promised to supply a handlist, after the next election, with a list showing how his tenants voted. So far as we can judge, however, notwithstanding his offers to do what he can with ourselves to improve the Ballot Act, he does not deny that at a recent meeting he did advise the bailiffs and agents to impress upon the tenants the belief that the secrecy of the ballot was not inviolable, and that the manner in which their votes might be given could be discovered. Though we have not the least wish to interpret

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unfairly the remarks made by Mr. Finnigan, we must say that his letter does appear, whether intentionally or not, to carry out the notion that our correspondent 'Inquirer' stated Mr. Finnigan was so anxious to insert into the minds of the tenants. It does appear to be written with the object of weakening the confidence of the tenants in the protection afforded to them by the ballot, and thus to play the old game of landlord intimidation. We should be sorry to do Mr. Finnigan an injustice, but we think that this opinion will be formed by many readers of his outspoken letter. To say the truth, it is just a little too outspoken for the purpose of communicating a mere scientific discovery as an addition to human knowledge. Mr. Finnigan seems to be unaware that he is not merely a scientific discoverer influenced by love of abstract truth, but that he is himself a professional electioneering agent. When he tries to remove from the tenants' minds the conviction that the ballot does give them the protection of secrecy in recording their votes, it can scarcely be supposed that he has not, as the secretary of a Down county association, a political object." I need not go on further with that. Do you recollect seeing in "The Whig" newspaper a letter purporting to be from Sir Thomas McClure to Mr. Forster, the present Chief Secretary, and the reply to it, on the 5th of March?—I remember the letters.

7491. You recollect that Sir Thomas McClure wrote on the 5th of March; it appeared in "The Whig," of the 11th: "A gentleman named Finnigan, who is secretary of the County Down Conservative Association, and has taken a very active part in the management of elections in Ulster, has lately proclaimed, by letter to the newspapers and otherwise, that 'The Ballot Act does not provide complete protection to the voter,' and 'that it is not only possible, but easy, to ascertain, if desirable, how each individual voter has recorded his vote.' The letter containing these statements has, I understand, been eagerly republished by the various Conservative papers circulating through the north of Ireland, and every endeavour made to persuade the electors that they cannot safely rely on the secrecy of the ballot. I must say for myself that I have not the slightest doubt as to the absolute security, but I should be glad to know what you, as the member of Mr. Gladstone's Government, who had charge of and passed the Ballot Act through Parliament, say as to these extraordinary statements of Mr. Finnigan. Yours faithfully, Thomas McClure." Then a reply is dated the 11th of March 1880: "My dear Sir Thomas McClure, The only reply I can make to your letter is this: that if the returning and presiding officer at any election comply with the directions in the Ballot Act, it is impossible for any person to find out for whom any voter has voted. By section 11 of the Ballot Act, every returning or presiding officer is liable to a fine of 100*l.* for every 'wilful act or omission in contravention of the Act, in addition to any other penalty or liability to which he may be subject.' By Section 4 every officer and clerk, and also every agent in attendance at any polling station, is ordered to maintain the secrecy of voting under penalty of imprisonment with hard labour for six months. If Mr. Finnigan has himself acted as an agent, he is doubtless well acquainted with the stringent provisions of this section; if not, it may be as well for him to be informed that 'any person who

Rev. J. D.  
Barry.  
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23 June  
1880.

Rev. J. D.  
Burnside.  
25 June  
1850.

whoever who attempts to obtain at any polling station information as to the candidate for whom any voter has voted, or communicates at any time such information, is liable to six months' hard labour. I repeat, however, that if the returning officer and his assistants do their duty, no person can obtain this information, and I have little doubt that the allegation to the contrary is an electioneering manoeuvre meant to alarm ignorant voters." On the next day, the 12th of March, Mr. Burnside, this notice was published in "The News Letter." "The ballot system, is it secret? this question is meriting the utmost possible attention throughout Ulster. We understand that Mr. Finnigan will in a few days be in a position to fully substantiate his statements." Was it you sent that to "The News Letter"?—It was not.

7402. You saw it there, I suppose?—I did.

7403. You do not know how it came there?—No.

7404. "Mr. Finnigan will in a few days be in a position to fully substantiate his statements?"—No.

7405. You were not present at any meeting at which he substantiated his statements?—I was not.

7406. Did you go to Mr. Finnigan to inquire whether or not he had substantiated his statement?—I do not distinctly recollect.

7407. Did you make any inquiry from himself at all as to whether or not he had; did you hear of a meeting at all before you wrote this article of the 24th of March?—I did.

7408. From whom?—From Mr. Finnigan.

7409. Where did you hear of it?—In his own office.

7500. Had you called on him then in reference to it, to know whether he had substantiated his statements?—I had called upon him some days previous, in reference to some question with regard to defending himself, but I do not recollect whether I called upon him that day in reference to it.

7501. You called on him in reference to defending himself?—Yes.

7502. Was it that he might show that he could detect how voters voted, or that it could be done?—No, it was not. It was the day after the Crumlin meeting; I took in the report of the meeting, and "The Whig" editor's speech in my hand, and showed to him what the editor of "The Whig" had said. I said to him there, "You may disregard the small fry, and not mind what they write about you, but the editor of 'The Whig' is of too great weight; you must reply to that, because it will injure both you and our cause."

7503. Was it the fact of it being known, the fact of his stating that the ballot was not secret, or that he should establish the truth of what he said, that the ballot was not secret?—It was in answer to the very bitter remarks of Mr. McKnight, the editor of "The Whig."

7504. Was it in reference to the secrecy of the ballot?—It was in reference to the general question under discussion in the newspapers.

7505. About the ballot?—Yes.

7506. The general question here was this; he was charged with striving to impress the voters with the belief that it could be discovered how they voted?—Yes, he was charged with that.

7507. Did you ever ask him at all to make

known, or at least to prove, whether or not the ballot was secret?—I never did.

7508. And when you called upon him on this day with the article, you say, or something that was in "The Whig," and requested him to answer some statements made, had you known anything of this meeting that was summoned?—It was before the meeting.

7509. You did not attend any meeting after that?—I did not; I never attended any meeting.

7510. The meeting at which he explained to some persons; from whom did you hear that he gave a satisfactory explanation of his statement?—From himself.

7511. On what day, as well as you recollect, did you hear that; how long before you wrote this letter?—What is the day of the week on which the article appeared?

7512. The 24th of March; I am told it is a Wednesday?—I think it was on either the Monday or the Tuesday preceding that.

7513. What did he tell you at that meeting on the Monday or Tuesday?—He told me he had now been able to demonstrate that he was right, and those who differed from him were wrong.

7514. You say before that you called upon him to vindicate himself from the attacks made?—Not from them all.

7515. From what "The Northern Whig" said?—Not from the article or anonymous letters, but from the attack of Mr. McKnight himself.

7516. You say that weight should be attached to his statement from his position?—Yes.

7517. The next interview you had with him, he told you that he had established the truth of his assertion?—He said, I believe, as much to me as that he could show that he was rather a cleverer man than Mr. Forester.

7518. He said as much as that to you?—Yes.

7519. Did he give you the particulars of what occurred at the meeting, or what he had proved?—To a certain extent, he mentioned the individuals who had been present; the representatives of the press, all, except the editor of "The Whig," I think; and also, I think, there was only one Conservative and two Liberals; he stated he wanted it to be a perfectly fair and unbiased meeting; therefore, he had asked some of his political opponents, opposed to himself.

7520. Did he tell you what he had seen or how he had shown the truth?—No.

7521. He did not describe it to you in any way?—No.

7522. But he merely told you he had proved before these gentlemen the truth of what he had stated, or something tantamount to that?—Yes, and that they were satisfied that he had not been in error.

7523. Did you intimate to him that you would answer for him in the paper?—I really do not remember; it is very possible I may have done.

7524. You called upon him before to defend himself from the charges or attacks of Mr. McKnight; you called upon him subsequently, and he said he could prove this; was anything said as to the publishing the result of the meeting and making it known that he was right and the others wrong?—It may be possible; I said I would write it, but I have doubts about it.

7525. Have you a doubt about it?—I have a doubt, for this reason, that when I went in he was leaving the place, and he had only a few minutes left, and was away from the place and consequently

consequently I did not see him again until the article appeared; so that I might have seen it, but I think I might have been prevented, from his being engaged otherwise.

7526. When you went there that time you had resolved upon writing the article?—I do not remember; I determined to do anything I could to defend an innocent man who was my friend.

7527. That is, he was right in saying that the ballot was not secret?—No, it was not that at all; it was to prove that the allegations made regarding him were not correct.

7528. What allegations?—The allegations that he had tried to convince the landlords that he could tell them how every tenant had voted.

7529. That you considered the serious part of the matter?—That is what I intended to defend him from; as to the question itself, I thought it a question for lawyers and not a question for a clergyman to enter into; therefore, I did not touch it even in the article.

7530. But you sought to defend him from the statement about the landlords and tenants?—No, but from the allegation that he had made the statement.

7531. When did you write the article, as well as you recollect?—I think I wrote it on either Monday or the Tuesday.

7532. You have seen the article since and looked at it constantly?—No, I never saw it since till I heard it read to-day.

7533. What alterations did Mr. Lilburn put in, "We were amongst those present;" was that the only thing you could see in the article that Mr. Lilburn had introduced?—I think that is the only thing introduced.

7534. Were there any things omitted?—Yes, I think there were some sentences omitted.

7535. Have you any recollection of those sentences?—I think I stated in the article it was unmanly and dishonourable to try and charge Mr. Finnegan with a thing which he had definitely denied.

7536. What is that?—That he ever sought to lead any person to believe he wished to exhibit to the landlords how their tenants had voted.

7537. You think you put that into the article?—Yes; I was a little stronger than the editor made it.

7538. Have you any copy of the article?—No, I never had.

7539. When you wrote it, what did you do with it?—I wrote it in Belfast, in Lombard-street, after Mr. Finnegan had left.

7540. In Mr. Finnegan's office?—In his office, and I put it into a large blue envelope and directed it to the editor of the "Belfast News Letter," and left it in the place from which the letters were accustomed to be taken to the post.

7541. In Mr. Finnegan's office?—Yes.

7542. Have you any recollection whether it had any stamp upon it showing the office?—I do not think it had.

7543. But you left it there?—Yes.

7544. Mr. Justice Barry.] Was the paper you used stamped in any way?—Not in any way, my Lord.

7545. Mr. Porter.] Did Mr. Lilburn know you before?—Yes, he knows me very well.

7546. He knows your handwriting very well?—No, he does not.

7547. Did you ever write for him before?—I had, but it would be impossible for an editor to know the handwriting of everybody.

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7548. Have any letters passed between you and Mr. Lilburn?—No personal letter, but I have occasionally written for the paper.

7549. You are in the habit of writing for it?—Not regularly.

7550. But you had written articles that have been put in as leading articles before?—On some few occasions.

7551. Have you written them as leading articles after some communication from Mr. Lilburn?—I have upon one or two occasions written something, and gone up to his office and showed it to him, and if it suited him he would correct it and make it into an editorial.

7552. How often has that occurred?—Not often; very rarely.

7553. Seven or eight times?—A very public matter, like this election, I would take an interest in the question in a particular way, and Mr. Lilburn himself will not give premisses to leading articles unless he knows from whom they come.

7554. Here is your letter which Mr. Monroe read about Mr. Finnegan having returned, "On Saturday last, he the presence of eight gentlemen, all well known in Belfast, Mr. Finnegan conclusively established his position. At this meeting all the newspapers in Belfast, Conservative, Liberal, and Home Rule, were represented, either by the editor or managers, except 'The Whig.' There were also present two Liberal electors of County Down, and one of independent politics. We were amongst those present. Mr. Finnegan stated that he had requested the attendance of the gentlemen present for personal reasons; that his character had been assailed in the most wanton manner, and that he considered it was due to himself to explain his statement. He had therefore thought it best to invite some gentlemen diametrically opposed to him in politics in order to prevent even a suspicion of his good faith. Mr. Finnegan explained that he had not requested the attendance of the editor of 'The Whig' on account of the violent personalities which appear in that journal. He then asked those present to hear his explanation patiently, and that he was prepared to stand or fall by their decision. If they found that he was correct, he only requested them, as honourable men, to defend him if they heard his character assailed or his statement controverted, for he had determined not to enter upon a newspaper discussion. We are bound to state that Mr. Finnegan's demonstration was so clear and convincing, that every gentleman present admitted that he had fully substantiated his statement." That is what you wrote?—That is what I wrote.

7555. "We are bound to state that his demonstration is so clear and convincing," he had not explained to you the way in which the thing could be done?—He did not explain to me, he merely explained the result.

7556. "We hold that the verdict of these eight gentlemen is a sufficient defence of Mr. Finnegan against the articles in 'The Whig,' and the personal attacks of its editor on the platform, which seem intended to injure him in his present position of conducting agent for the Conservative candidates for the County Down. We should add that Mr. Finnegan pointed out, as he promised he would do, how the Ballot Act could be amended, so as to provide complete security to the voter. We never had for one moment any doubt as to Mr. Finnegan's ability to substantiate any statement made by him. We were previously

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aware

Rev. J. D. Barnard.

23 June 1880.

Rev. J. D.  
Bernside.  
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25 June  
1886.

aware that the Ballot Act did not afford perfect security? Were you previously aware of that?—That last sentence has been added.

7557. "And this opinion has been strengthened by the attacks of 'The Whig'; has that been added too?—It has been.

7558. "And the clear and convincing statement in our presence," has that been added?—Yes.

7559. "By the much abused secretary of the County Down Constitutional Association, who seems to be a thorn in the side of 'The Whig,' because he well and faithfully serves his party, who appreciate his talents and recognise his services to the Conservative cause in Ireland." You said that that was not put in so strongly as you intended it about Mr. Finnigan's repudiating the statement that the landlords could know how their tenants voted; is there any allusion to it whatsoever in the whole article?—That is not what I stated.

7560. What was it you said you had put in?—I stated that I wrote more strongly in reference to reiterating the attacks on the man who declared that he was innocent than what appeared in the article.

7561. What did you say, something about being an article as to landlords knowing how the tenants voted; did not you state that?—It was not put in so strongly.

7562. There is nothing whatsoever about what you said in it, but it is difficult to remember at the end of two months what you struck off in an hour or two?—Yes.

7563. As to what was done as to ordering supplies of the edition of the paper for the article, you had nothing to do with it?—No, I did not know that such a thing was in existence.

7564. Is it in Antrim or in Down that you reside?—I reside in County Down.

7565. You acted as agent at one of the polling stations on the day of the poll?—No, Mr. Bickerseth Henson and myself are joint secretaries of the Newtownbreda branch of the association; I was persecution agent, that is all the office I held.

Re-examined by Mr. Moore.

7566. I have these papers containing these letters and articles, and I think the first I will refer you to is Mr. McKnight's speech, which is contained in "The Northern Whig" of the 23rd of March?

7567. Mr. Baron Fitzgerald.] When was the meeting?—On the evening of the 22nd; it is in the paper of the 23rd.

Mr. Baron Fitzgerald.] Then Mr. Bernside must be under some mistake; Mr. Bernside's recollection, as well as I remember, is that, before the article of the 24th of March was written at all, and before the explanation had taken place, he had called upon him with reference to Mr. McKnight's letter.

Mr. Moore.] No; it was in reference to the ballot question.

Mr. Baron Fitzgerald.] I thought it was the speech of Mr. McKnight that induced me to do so.

7568. Mr. Moore.] "A gentleman, who signed himself 'Inquirer,' wrote a letter to the

public press stating that, at a meeting held in Mr. McNeill's, Mr. Finnigan stated that he had discovered the secret of the ballot. He (Mr. McKnight) went down two evenings to the office for the purpose of having an interview with Mr. Finnigan, but as Mr. Finnigan came (laughter). Mr. Wylie then wrote a letter to the papers, stating that he was sure, from his experience of the ballot, no person could discover its secret, and he even offered to stake 100*l.* against Mr. Finnigan's 100*l.*, that the secrecy of the Ballot Act could not be violated; but that gentlemen had wisely declined to take any notice of Mr. Wylie's letter. Mr. Caruth, Mr. Gardiner, solicitor, Downpatrick, and Mr. John Givran, who was contesting the county of Monaghan, also challenged Mr. Finnigan to substantiate his statements, but he had not done so as yet. Only a few days ago, however, he had observed a small, sneaking paragraph in a local paper stating that Mr. Finnigan would soon be in a position to communicate his secret; but he thought they might take it for what it was worth. Let them not be deceived, however, for they had it on the best of authority, that of Mr. Foster, who had charge of the Bill when it passed through the House of Commons, that the ballot was absolutely secret (cheers). Just before the day of the poll in these counties, they would probably find some statement put into circulation, professedly to redeem the pledge which had been given, but really to intimidate timid voters (cheers). It was well that the tenant-farmers should be on their guard." That is in the speech, and in the same paper your Lordship will find a general editorial, in which these words occur: "Of course no one believes for a moment the allegations made by Mr. Finnigan, who has not dared to accept the challenge to substantiate them." That is a charge of personal untruth?—Yes.

7569. That is the letter of the 23rd?—Yes.

7570. In the article of the 24th of February in "The Whig," which Mr. Murphy has read already, there is this passage: "It never appeared to Mr. Finnigan and to this tenant that, to attempt to make such a discovery by 'experience gained at the counting of votes,' was to do a honest and illegal thing." "But scientific burglars will do well to operate for scientific purposes on their own safes, and not on the property of their neighbours." On the 25th of February there is an article in "The Whig": "Mr. Wylie shows, by the manner in which the voting papers are given out, and afterwards kept separate from their counterfoils, which cannot be inspected at all by electioneering agents, that it is impossible, as we have said, to ascertain how any individual tenant votes if he pleases to keep the secret to himself. This intelligent and very efficient secretary of the Ulster Liberal Association concludes his letter with a challenge, which, after Mr. Finnigan has shown such pride in his discovery as a contribution to scientific truth, and not, of course, to most discreditable electioneering manoeuvres for the purposes of illegal intimidation, the secretary of the county of Down Conservative Association can have no difficulty in readily accepting, 'to show,' writes Mr. Wylie, 'the value of this vaunted masterpiece of ingenuity, this alleged marvel of electioneering agents. I challenge Mr. Finnigan to submit his celebrated discovery for the opinion of the present Conservative Attorney General, and

and if he advises that Mr. Finnigan can, by his method, ascertain how each individual voter has voted, I will undertake to pay counsel's fee, and give a subscription of 100*l.* to the Royal Hospital, in case Mr. Finnigan will undertake to do the same in the event of counsel's decision being against him." That is all a quotation from Mr. Wyllie's letter. That is the 25th of February. I think he was a daily dish and leading article in "The Whig?"

Mr. Justice Barry.] Does the number of the 25th contain Mr. Wyllie's letter as well as the leading article.

Mr. Moore.] I believe it does.

Mr. Murphy.] It does, my Lord.

Mr. Moore.] Then there is this extract from an article in the 26th: "This would be far too much to expect from their sense of justice, honour, and fair play" (that is, publishing Mr. Wyllie's letter). "Those journals are well aware what unworthy objects Mr. Finnigan's letter is intended to serve. But it will not avail to intimidate the independent tenant-farmers of Ulster. They now know that the ballot is secret, that its secrecy will be maintained, that the law is on their side, and that they will be protected by the law in giving honest votes according to the dictates of their consciences. But the resort, at the beginning of the great electoral struggle, to such an insidious and covertly expedient as Mr. Finnigan's letter, which no efforts are being spared to circulate among the electors, only shows, as Mr. Caruth very properly says, 'to what straits the Tory party in Ulster have been brought.'" There was just one paper I omitted; it was the 26th of February in which this passage occurs: "They are neglecting no means to impress falsely upon the minds of the electors the belief that their votes, when given to independent candidates, may be found out. The fact is just the contrary?"

1571. Mr. Murphy.] I read that; it is the same date as that in which the first letter appears from "Inquirer." Then, my Lord, in "The Whig" of the 30th March, there is this passage in the speech of Mr. W. D. Henderson, "The tenants of Ireland would no more be deluded by this letter of Sir Stafford Northcote than they were frightened by Mr. Finnigan and his ballot-trick." And again, to show that they did not doubt to the very day before the polling, there is an article in "The Whig" of the 7th of April pretty strong: "Are these 'lies' we ask, or are they truths?" It is well, however, to be assured at last that Mr. Finnigan, with Lord Castle-

reagh and Lord Arthur Hill, admits the ballot to be secret, and that any statement to the contrary is a 'lie.' To-day the electors of Down will have the opportunity of telling us by their votes what they think of this lie, and so many other lies which have been told to influence the representation of Down." From time to time you have read these articles, at all events, in so far as they bear date prior to the writing of your own letter?—Yes, I read them all.

1572. Of course it would be a discreditable thing for any man to write falsely that the thing was not secret if in reality it were?—Quite so.

1573. Do you think that it was at all discreditable of any man, if he had found out that the ballot was really not secret, to inform the people that it was not secret?—I think it would be his duty.

1574. You have told us that you would not be disposed to circulate a paper intimating falsely that the ballot was not secret, especially if intended to impress it on the minds of the people; I understood you to say that if a person had really discovered that any unscrupulous person could find out how a person had voted, you would not consider it discreditable to publish it and let people know it?—I should think it right.

1575. Mr. Justice Barry.] Would it be right to do it on the eve of the election, when the result would be to excite alarm amongst the electors?—Not if done with that motive.

1576. Mr. Moore.] Was that article so composed by you written with that motive at all to influence the voters or intimidate them?—A doubt of it never entered my mind.

Mr. Justice Barry.] I am quite sure of that.

1577. Mr. Moore.] Had Mr. Finnigan himself, do you recollect, ever pointed out to you, or shown you before that meeting, or before you heard of that meeting, how this thing could be done by an unscrupulous person?—Yes, after the election of 1873 he alluded to it once.

1578. That is nearly two years ago?—Yes.

1579. And long before this election was thought of?—Yes, the whole discussion began before the election was thought of.

1580. Was not it upon the 8th of March that it was first announced in the House of Commons that the dissolution of Parliament would take place?—I think so; this discussion began in January.

1581. I believe the election was not expected till the autumn of the present year?—I am not in political secrets, but I think not.

[The Witness withdrew.

[Adjourned to To-morrow, at Eleven o'clock.

*Seventh Day.—Thursday, 24th June 1880.*

Mr. EDWARD SHIRLEY FINNEGAN, sworn; Examined by Mr. MURPHY.

Mr.  
FINNEGAN.  
24 June  
1880.

7582. You are, I believe, Secretary to the Constitutional Association for Antrim and Down?—I am.

7583. When were you first appointed to that position?—In 1874.

7584. Immediately before the general election?—Immediately after the general election.

7585. That society looks after the registration of both counties?—Yes.

7586. And provide the organisation to look after the elections in both counties?—We have one association in Down and another in Antrim, and both associations look after the registration, and also the election organisation for each of the counties.

7587. Prior to the election of 1878 in this county, had you in conducting the business of the association endeavoured to have your revising and other work done gratuitously by volunteer associations in different districts?—Yes.

7588. Had that system been entirely completed and thoroughly organised before the election of 1878?—No, it had not; it was rather difficult.

7589. That was an election caused by the lamentable death of Mr. Crawford?—Yes.

7590. Were you acting as conducting agent for Lord Castlereagh at the election of 1878?—I was.

7591. Were you acting in the election of 1880 as conducting agent in the county Antrim?—I was not.

7592. Were you acting as conducting agent for Lord Hill and Castlereagh in the county Down?—I was.

7593. When were you appointed to act as conducting agent?—About three weeks before the last general election of the present year.

7594. When you say the last general election, was that the election for the county Down?—For the county of Down; the present election of 1880.

7595. What day was the election held?—The 7th of April.

7596. So that you were appointed conducting agent about three weeks before?—Precisely.

7597. Had you been acting in any capacity during the year 1876 in connection with any election?—I had.

7598. What election was it?—The Belfast election; the borough.

7599. In what capacity were you acting?—I was conducting agent for one of the wards, St. Anne's Ward, and also as agent for counting the votes.

7600. Were you present at the counting of the votes at the Belfast borough election?—I was.

7601. Had you an opportunity of seeing there the system upon which the votes were counted?—I had.

7602. And whether opportunities were given to persons who chose to do so to see the ballot papers when they are being taken from the box?—Quite so.

7603. Just explain how, as a matter of practice, the votes were counted; how the boxes were disposed?—This hat is supposed to be the ballot box, and the cover is lifted off the ballot box, and it was placed upon its side in the election that I refer to, in that way; a person is appointed by the sheriff to stand opposite the box, and the agents of either candidate on either side. The sheriff's officers sat in front here, and took each ballot paper singly out of the ballot box, and placed it with its face upwards alongside him on the table.

7604. Was there ample opportunity for any person standing by to see the numbers on the back of these ballot tickets?—The most ample opportunity.

7605. I suppose in the ballot box they are folded in two?—They are folded; the official mark is put upon the face of the ballot paper, and also upon the back; the voter goes into his compartment, and marks his ballot paper, and he folds it, in 90 per cent. of the cases, in that way (explaining), the reason being that when he comes out with his ballot paper it is necessary that he should show the official mark to the presiding officer before he deposits it in the slit of the ballot box.

7606. In nine cases out of ten the ballot paper is only folded in two?—Yes.

7607. Was it a matter of observation by yourself that in the large percentage of cases, any person choosing to look could see the number on the back of the ballot paper?—They could not avoid seeing it.

7608. I ask this in reference to the way in which the ticket or the ballot paper is given out before the person puts his marks upon it; are the numbers on the counterfoil in consecutive order?—Yes.

7609. If you commence with No. 1, the second person coming in would get No. 2, the third would get No. 3, and so on, from the presiding officer?—Yes.

7610. Is the number of the person upon the register marked upon the face of the counterfoil?—Yes; supposing this to be the ballot paper and this the counterfoil, the ballot number is placed here upon the counterfoil No. 565, we will say, and upon the back, on this part of the paper, a corresponding number is placed, and at the foot of the counterfoil the presiding officer marks the register number of the voter. He tears off the paper and hands it to him, and he enters the compartment and marks it, the counterfoils remaining bound up in a book.

7611. Assuming a person in the booth to know the number of the ticket that the first person going



going in in the morning got, would he then know the number of the ballot paper received by every person subsequently?—Yes.

7612. Following in consecutive order?—Yes.

7613. The ascertaining of the number given to any one voter will enable him to know the number of the ballot paper given to every subsequent one?—

7614. Mr. Baron Fitzgerald.] That is, assuming the officer to give them in order?—Yes; the practice is to give them in order, one after the other.

7615. Mr. Justice Barry.] Are they not given out in books of 50 or 100 each?—They are generally given out in books corresponding to the number of persons polling in that booth.

7616. I was under the impression that they were given out in blocks, like cheque books, of 50, and it may not follow that the second 50 would be at all consecutive with the first 50?—I am not positively sure whether that would be so in every case.

7617. Mr. Moore.] As a rule, would the books follow in consecutive order?—They would.

7618. Is it the fact that people in the booth, voters in the booth, were going about with papers in their hands?—Decidedly.

7619. I see in one of Mr. Wyllie's own letters he complains that that is so?—Yes.

7620. From what you have observed as to the mode in which these ballot papers could be seen, had you formed an opinion honestly yourself that any unscrupulous person who chose to make use of his information could see how persons voted?—I had formed that opinion.

7621. If he chose to put down upon his register the number of the ballot ticket which the person received, he could then afterwards, when the votes were counted, see how the person voted?—Yes. Supposing this to be the register of voters, if the agent you refer to had the register in the booth, if he knew the number of the ballot paper given to John Murphy, all he would have to do would be to put down the number of the ballot paper opposite John Murphy's name, or opposite the number on the register.

7622. Mr. Justice Barry.] Would not that render it necessary that the same agent should be at the table where the paper was counted afterwards?—No.

7623. Why?—I will explain. Supposing any agent was in the booth, and took the number of the ballot paper down upon his register, if he preserved that and there were other parties came, he could communicate it.

7624. Mr. Moore.] Some register so kept by him could be kept by the person at the counting of the votes?—Yes.

7625. Mr. Justice Barry.] And a copy of it should be given to any person who is at the table counting the votes, because you cannot be sure at what table any special voting paper will be counted?—Yes, my Lord, I think even further than that I could go as to the boxes; take it that the box for Ardglass and the Hillsborough box are upon the table, all the persons counting the Ardglass votes would have the Ardglass register previously marked in the Ardglass polling books.

7626. Are not the papers mixed together before they are put upon the table?—No, they are not.

Mr. Baron Fitzgerald.] That is a violation of the Act of Parliament.

7627. Mr. Moore.] You say, as a matter of practice in the counting of these votes, the boxes for the different polling districts are separately counted?—Yes, they are in the first place, and then they are mixed afterwards.

Mr. Moore.] It is so under the Act.

Witness.] And they are mixed afterwards.

7628. Mr. Baron Fitzgerald.] They are counted before they are mixed?—Yes.

Mr. Justice Barry.] That is to say, the papers are counted, but not the votes.

Mr. Moore.] That is so.

7629. Mr. Justice Barry.] Assuming the returning officer violates his duty, and allows the number on the back to be seen?—Yes.

7630. Mr. Moore.] In practice it is possible to see the great majority?—It is not only possible, but easy.

7631. Take the county Down, how many boxes would be in the act of being counted at the same time?—I suppose at the last election there would be at least 10 boxes counted at the same time.

7632. All over the room?—All over the room, and it would be impossible for the presiding officer, no matter how experienced he was, to see the counting of each box. At the last county Down election, in fact, our very efficient returning officer was present in the room. I had to go up to the other end of the room where he was stationed, and ask him to come down to the other end of the room, and call his attention to the illegal manner in which the box was being counted, which he could not have seen unless I called attention to it.

7633. Were the backs of the tickets being exposed?—They were actually taken out of the box with their backs upward.

7634. And you called his attention to it, and he at once put a stop to it?—I did.

7635. Having seen the working of the Act in the way you describe, did you mention what you had seen to a number of persons of experience in reference to matters of the kind?—I did.

7636. Did you mention it to barristers?—Yes, to barristers, solicitors, and Members of Parliament.

7637. Did you yourself suggest any means as to how the difficulty could be remedied?—Yes, I prepared a short statement referring to the whole ballot system.

7638. What means did you suggest to remedy the difficulty in practice?—It referred solely to the voting papers. One suggestion I made, my Lord, was that the counterfoil number should not be placed where it is at all, but be placed upon the back of the paper, and no person could see them, even if he wished to see, before the presiding officer the counterfoil, the counterfoil number. That would not altogether meet the difficulty, but the other plan I suggest would entirely meet the difficulty, that is, that the number of the ballot paper on the counterfoil should be printed at the corner of the paper and turned down and slightly gammed; this would never be required to be inspected except by judges or the officers of the court, in case of scrutiny. If you wished to trace a person's vote, you

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you would only have to run your penknife through it and take off or turn up the corner, so as to show the counterfoil number. I think that is simplest.

7638. Then at the counting the number of the ballot paper would never be seen?—No.

7640. And secrecy would be rendered absolutely certain?—Yes.

7641. Have you actually suggested that, as a means by which it could be obtained, to Members of Parliament?—Yes, I have.

7642. That is, to Sir Thomas Bateson?—Yes. I may state that Sir Thomas Bateson mentioned it when it was probable that a small committee would be formed, before the Ballot Act was enacted, in order to suggest remedies for the improvement of the Act, and I pointed out this difficulty to him, and he said, "I will endeavour to have you summoned to the Committee to give evidence upon it."

7643. Are you aware that the Ballot Act expires at the end of the present year unless renewed?—Yes.

7644. At that time there was no talk of a dissolution?—No; in fact, I was informed that there would be no general election till Parliament died a natural death.

7645. And that therefore there must be legislation as regards the Ballot Act?—Yes.

7646. Do you remember, in commencing your preparations for the county Antrim organisation, being at the house of Mr. McNeill?—I do.

7647. Who is Mr. McNeill?—A landed proprietor in county Antrim, and also high sheriff of the county Antrim, and a magistrate.

7648. Was he high sheriff in the year 1880, or was it in 1879?—I think it was 1878 or 1879.

7649. He had been high sheriff of the county, and was a magistrate of the county?—He was high sheriff that year, or the year previous.

7650. Do you remember in the month of January, in the present year, being at Mr. McNeill's house?—I do.

7651. How many other persons were there that evening?—There were three persons, together with Mr. McNeill and myself.

7652. There were five altogether?—Five altogether.

7653. Was it a meeting called to endeavour to see about summoning a general meeting?—Yes. I may state that I was not very well acquainted with the county Antrim, and before taking any steps for the formation of the committee, I thought it wise to get together some reliable men in order to consider what steps should be taken in the district; accordingly, I asked Mr. McNeill to select three persons, and to ask them to come to his place to consider, in the first place, what steps should be taken subsequently for the organisation of the district.

7654. Were there any canvassers appointed upon that occasion at all?—There were not.

7655. Do you recollect having any conversation that evening with Mr. McNeill, in reference to intended legislation?—Yes.

7656. Will you tell their Lordships how the matter arose between you and Mr. McNeill?—I was requested to prepare a report by the members of the Irish Government upon the question of the reduction of the franchise and re-distribution of seats, and the effect it would have upon the party in Ulster, and Mr. McNeill was a very experienced man also, and agent for several po-

parties in the county of Antrim, and I made it the practice in going round to the different districts to ask different friends as to how so-and-so would affect so-and-so, and I asked him what the effect would be of the reduction of the franchise in the county Antrim; we discussed that some time and then we went on to the question of the redistribution of seats; then how the union of such and such places would affect the parties, and so on. He asked me then, Did I think the Government intended to deal with that question. I said I did not know, that I had been requested to prepare this report for a Member of the Government. He then asked me, "Did I think the Ballot Act would be renewed by the Conservative party." I said I was almost certain that the Conservative party would renew the Act, because both parties had agreed that open voting should not be reverted to, and then he said that he thought the Ballot Act had done no harm to the party, and he evidenced the elections in England in which the Conservatives had been returned by such and such a majority; and I said to him, after all the Ballot Act as it stands in practice is a farce; those are the words I used. I was interrupted in my statement to him. I may say that he and I were conversing near the window of the room, and the other three gentlemen, farmers, were standing some little distance from me.

7657. Was this a private conversation between you?—A private conversation between two of us and one of these gentlemen. Mr. Wright started up (I did not know his name at the time), and said, "I would be glad to know how you can show that the Ballot Act is a farce," or words to that effect. I turned round and said to him, "I will be very glad to explain the matter to you after the conclusion of our business;" and I resumed my conversation with Mr. McNeill.

7658. Did you discuss business matters, yourself and Mr. McNeill, and the other three persons who attended there, for some time afterwards?—Yes, we did.

7659. And when the discussions were over, did this man say anything to you about what you had been speaking to him about before?—Not a word.

7660. Did you show him after the meeting was over?—Yes.

7661. Did you show him what you have shown us?—I did.

7662. Was there anything said during the interview between you and Mr. McNeill or not, in reference to the matter being one that could not be done without the agent doing wrong?—After I had said it was a farce, I turned round to Mr. McNeill and said, "You know," said I, "that it is a penal thing to disclose what you may discover at the counting of the votes or in the polling-booth; it is penal." That is the word I used, and I also said, in addition to that, "that any unscrupulous agent could, if he wished, tell how every voter upon the list voted, or the majority of the voters upon the list voted; any unscrupulous agent," I said, "could tell how all the persons who are voters upon the list voted;" those are the words, as far as I recollect.

7663. When you say "unscrupulous agent," what class of agent do you refer to?—I refer to a booth agent, or persuasion agent, or counting votes agent.

7664. That does not refer to a land agent?—No; that is absurd.

7665. When you showed him what you have shown

shown us, did anything further take place between you?—No.

7666. Is it true that you said to him upon that occasion, either that you could show to every landlord how his tenants had voted, or that you could show to Mr. McNeill how every tenant of his had voted?—I certainly never used the words.

7667. Nor anything to that effect?—No, or anything to that effect; it is not at all likely that—

7668. You say it is not the fact?—It is not the fact.

7669. Did you ever, as a matter of fact, either seek to try, or was it ever done with your knowledge, that any person sought to try to communicate to any person how any one had voted?—Never.

7670. Was that the entire of what took place in the house of Mr. McNeill in the month of January?—It was, except that we had lunch.

7671. Three persons, Mr. McNeill and yourself, were present?—Yes.

7672. Do you recollect a subsequent meeting in Abinghill being held?—Yes, I do.

7673. About how many persons were present at that meeting?—I should say about 20.

7674. What was the purpose of the meeting?—The purpose of the meeting was, following up the meeting that took place at Mr. McNeill's; it was for organisation purposes.

7675. About how long did the meeting last?—I think it lasted about an hour.

7676. During the entire of the proceedings at that meeting was there one word said in reference to this matter of the Ballot Act?—Not a single word during the progress of the meeting.

7677. Do you recollect, after the meeting was over, a person who was in the room speaking to you?—Yes.

7678. Was that man one of the men who had been at Mr. McNeill's?—I think so.

7679. Had he been present when you showed Wright what you have showed us here?—I do not think he saw what I explained to Wright.

7680. What did this man say to you after the meeting?—After the meeting terminated we were talking in the room upon various subjects; one person one side discussing one thing, and another another. This person was standing beside me, and he said, "I would be glad if you showed me again," or words to that effect, about this ballot system. I saw some paper lying upon a sideboard in the room; I brought him over to it, and took a bit of paper, and told him what I have just explained.

7681. Did you show him what you showed Wright?—What I had shown Wright.

7682. Were any persons looking at what you were doing except yourself and him?—I do not think there were.

7683. The others were talking in the room?—Yes, they were taking refreshments at the time, and general conversation was going on.

7684. What did you say to him when you showed him the mode in which it could be done?—After pointing out to him the system, I said, but although it is practicable that way, of course the thing cannot be disclosed.

7685. Did you tell him why?—I told him that in one of the sections of the Act of Parliament it was stated that a person could not disclose what he had seen in the booth.

7686. What observation did he make?—Words to this effect: "Man, dear, only for that it would  
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be a good thing to know how these men who tell one thing and do another, voted."

7687. Was that the entire of the conversation which took place with reference to the question of the ballot?—Totally and entirely.

7688. Those are the two matters which you referred to in the letter that appeared in the columns of "The Whig" on the 9th of February, and signed "Inquirer"?—Yes.

7689. Was it in the columns of "The Whig" that the first public reference to this question was made?—It was.

7690. At either of the two meetings that you have referred to, either at McNeill's or at Abinghill, were any canvassers appointed?—There were no canvassers appointed at the meeting in Mr. McNeill's; none whatever.

7691. Were there any at Abinghill?—Yes, at Mr. McNeill's; I may state what we considered was, what persons we should invite to come to a subsequent meeting, in order that they should become canvassers.

7692. Is it true that, either upon that or any other occasion, you ever spoke to canvassers, or impressed upon them the desirability of mentioning this question of the non-secrecy of the ballot to the voters?—I never said that to canvassers in my life, or gave them any instructions regarding the ballot question or the secrecy of the ballot.

7693. Or to agents or to any other persons?—Or to agents or to any other persons; and in the progress of this very case there has not been a single man brought forward here to state—

7694. Do you swear, as a matter of fact, that no such instructions were given?—I can.

7695. I suppose you were in the habit of seeing the "Belfast Northern Whig" from day to day, and seeing the numerous attacks made upon yourself?—Yes, I file a copy every day.

7696. Charging you with making statements which were absolutely untrue?—Yes.

7697. Had you consulted with any friends as to the desirability of replying to those articles?—I did.

7698. Among others, to Mr. Houston?—Yes, with Mr. Blackiston Houston.

7699. Had you come to the conclusion, rightly or wrongly, to learn them to themselves?—He said it would be a foolish thing to enter into a newspaper controversy, or to refer at all to what was said against me. He thought it better I should not write to the newspapers.

7700. Were you absent in London during any portion of the month of February, or the early part of the month of March?—I went to London a few days after my letter in the "Northern Whig."

7701. On the 23rd of February it appeared?—Yes; I was called away suddenly to London.

7702. Did you not return to Belfast for some time after that?—I did not return to Belfast for 15 or 16 days.

7703. In the meantime, these attacks upon you had been going on?—Almost daily.

7704. Do you recollect, prior to the 12th of March, seeing Mr. Lillburn, the editor of the "Belfast News Letter"?—I do.

7705. Was it prior to the appearance of a sub-editorial which was in that letter, saying that you intended to meet a number of gentlemen with reference to it?—Mr. Lillburn was constantly saying that I should take some steps to clear my character which had been assailed, and I said Mr. Blackiston Houston advised me  
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not to go into this, and as I said I would not, I should not like to open the question; and subsequently, in a subsequent conversation, I said I think the best plan would be to get a number of our friends together of different political feelings and learnings, and that I should explain my thesis to them and leave it there, as they were well known to the community; and these gentlemen, if they heard my character assailed, they should endeavour to sustain my character.

7706. You saw these articles and letters in the columns of the "Northern Whig," challenging you to prove the accuracy of the statement you made?—Almost daily.

7707. And asserting that it was absolutely false, and an electioneering trick?—Yes; I was called a liar and a trickster.

7708. Did you tell Mr. Lilburn that you intended to call these gentlemen together?—Yes.

7709. Was it after this communication made by you to him that the sub-editorial appeared in the columns of the paper of the 12th of March?—Yes; and in my letter to Mr. Lilburn, asking him to come to the meeting, I said this was about the ballot business. I put it in that way, as he knew what had occurred between us previously, and that I need not explain it to him.

7710. Who were the gentlemen you did call together, for the purpose of showing that you were not the trickster and liar that you had been described to be?—The editor of the "Echo," which is a Liberal journal, and the editor of the "Examiner," which is a Liberal and Home Rule Catholic journal.

7711. Mr. Dempsey?—Yes; also the editor of the "News Letter," a Conservative journal; the manager of the "Morning News," a Liberal journal; the editor of the "Evening Telegraph," a Conservative journal; that was all, along with three other gentlemen.

7712. Who were they?—A Mr. Jenkins, who was a pronounced Liberal, a very respectable gentleman; Mr. Davison, who also holds similar views, and a gentleman who holds no peculiar views one way or the other. He told me himself that he was independent in politics.

7713. Where did those gentlemen meet?—In my private office in Lombard-street Chambers.

7714. Did you point out to them what you have pointed out to us now?—Yes.

7715. Did they express any opinion that the difficulties you suggested were obvious?—Mr. Dempsey said, from his own experience, he would even go further than I stated; that was the editor of the "Examiner." Some of the other gentlemen went thoroughly with me, and others were not so thoroughly satisfied.

7716. That is as to the per-centage?—Yes.

Mr. Murphy.] He did not say as to the per-centage.

7717. Mr. Mounsey.] What did the persons who went least with you say?—They said there is no doubt whatever that I had shown substantially my hand false, and I had shown substantially that the Ballot Act was not practically a secret, or words to that effect.

7718. When you had shown to them what you have shown to us, did you say anything about what you desired to be done?—Before I explained this to them, I explained my reasons for calling them together, because some of the gen-

tlemen I invited did not know what I asked them to meet for. I said to them that they had all seen the attacks upon me in the "Whig;" and one of the gentlemen present said that he regretted exceedingly that those attacks were made upon me; that it was not the way to conduct political business to have personal attacks; that you should put aside persons and only deal with the cause, or what was advanced by the cause. He was very strong in his condemnation of the articles in the paper. Then I said I had asked them to come together to show that I really had substantial grounds for my statements regarding the Ballot. I said to them that I had determined not to enter into a newspaper correspondence myself; but as they were largely connected with and moved about largely in society, in both Liberal and Conservative society, I would leave it to them, as men of honour, to defend my character, in case I was able to convince them that my theory or thesis was a correct one.

7719. And that you had been perfectly honest in putting it forward?—Yes; and I was prepared to stand or fall by their decision. If they stated that I was wrong, the next morning I would state, over my own signature in the paper, I was wrong.

7720. Was that the end of the interview?—It was the end of the interview.

7721. You knew, for a considerable time, the Rev. Mr. Burnside?—Many years.

7722. He is a friend of yours, and a staunch member of the party to which he belongs?—He is, perhaps, the staunchest member of the party that I know.

7723. Subsequently to that interview, did you mention the substance of it to the Rev. Mr. Burnside?—I did.

7724. Had he more than once spoken to you upon the subject of settling yourself right?—He had several times. He told me what Mr. Houston said, and he said he would be guided by Mr. Houston, though he was the shrewdest man in the county.

7725. Did Mr. Burnside tell you he was going to write my article himself upon the subject?—He did not.

7726. Did you see any article after that had been written, before it was published?—Oh, no.

7727. Did you suggest to Mr. Burnside that he should write such an article?—I did not.

7728. Do you recollect, in the course of the evening upon which you had seen Mr. Burnside, seeing Mr. Lilburn, the editor of the "News Letter"?—I do.

7729. Was it in consequence of a letter you received from Mr. Lilburn?—Yes.

7730. You called at his office?—Yes.

7731. Did Mr. Lilburn say anything then as to the propriety of anything being said or written in reference to it?—After the meeting terminated that I referred to, he returned to my office, and said that he considered, after the statement had been made by me, that it was only right and fair that there should be something stated in the paper regarding the meeting that took place; and I said to him, "Well, Mr. Lilburn, I leave it altogether in your own discretion, because I will not enter into a controversy."

7732. Did you see the article of Mr. Lilburn's before it was printed?—I did not.

7733. That article appeared on the morning of the 24th of March?—Yes, it did.

7734. I suppose

7734. I suppose in the course of working the county for political purposes, you had formed the acquaintance of a great many people, in and through the county?—I know every man, both farmer and landlord, of any prominence in the county, personally.

7735. Both in Antrim and Down?—I am very much attached to them, and, I believe, they are very much attached to me.

7736. In going through the county had you seen a number of slips containing these attacks upon yourself, and taken from the columns of "The Northern Whig," that had been distributed amongst the voters of the county?—Frequently; they were put into my hands by the gentlemen in the county, and farmers, and others.

7737. Were they slips in envelopes?—Yes, containing articles in "The Northern Whig," and "The Morning News," printed upon slips.

7738. Attacking yourself and your private character?—Yes.

7739. As a liar and a trickster?—My private character was not mentioned, but I was called a liar and a trickster, and those two gentlemen said to me, "This was very damaging," most respectable members of our party, one is Mr. Howe; in fact, Lord Arthur Hill himself, and Lord Castlereagh handed me documents which had been sent to themselves.

7740. That is, attacks upon your private character, in acting as their agent?—Yes.

7741. Mr. Justice Barry.] You say, "attacks upon his private character." Mr. Finnigan says, "attacks not upon his private character, but describing him as a trickster and a liar?—Yes, and a liar.

7742. Mr. Moore.] Were those attacks at all events to the effect that they were saying things that were not true?—They were.

7743. And that you must know to be not true?—They were.

7744. Having seen those articles, and knowing they were being distributed when this article appeared in the columns of "The News Letter," did you order a large number of the papers for distribution?—I ordered 10,000 copies.

7745. Were part of those circulated through Antrim, and part through Down?—About half were circulated in Antrim, and the other half in Down.

7746. Had you known that "The Whig" articles were sent to both counties?—Yes, I got "The Whig" handed in to me sometimes in Ballycastle in the northern part of county Antrim, containing these attacks.

7747. I ask you upon your solemn oath, were those papers sent round by you with a view of impressing upon the tenants that the landlords could discover how they would vote, and with a view of influencing those votes?—I most solemnly say no.

7748. Had you any object in doing that, save protecting your private character which had been so assailed?—None whatever. I thought that as the extracts were sent by the other side from "The Northern Whig" and other papers, to all the electors in the county; I cannot say all the electors, I am wrong in saying all, but generally spread through the county; that I was right in contradicting it by circulating a letter in opposition.

7749. As considerable stress has been laid upon it, I do not know for what purpose, I will ask whether any of these papers, were either

marked by you, or directed to be marked with any particular mark?—Decidedly not; I never knew of the blue mark till I heard it in the progress of this case.

7750. Were the papers ordered the day after publication?—I came into the office about 10 o'clock, and saw the leader coming in in the train in the morning, and I immediately sent an order up for the newspaper, and desired my assistants to send them out at once.

7751. Do you know as a matter of fact, that at all events one of the candidates that you were representing, namely, Lord Arthur Hill, had publicly expressed his views to the public that the ballot was secret?—At a meeting held at Kirkcubbin a person shouted out in the meeting, "What about the Ballot Act; how is the Ballot Act secret," or some words of that description. Lord Hill and Lord Castlereagh were present; he was standing alongside of me; Lord Hill got up, and he said that he believed the ballot was secret, and Lord Castlereagh nodded in unison with his statement; I should say that I heard that.

7752. Did you see it?—I saw it in "The Whig."

7753. And a leading article in "The Whig" upon it?—Yes, giving the quotation.

Mr. Porter.] It would be very convenient if we had the article.

Mr. Moore.] I read the article yesterday.

Mr. Baron Fitzgerald.] Give the articles now to the other side.

7754. Mr. Moore.] I will do so. (To the Witness.) As there seems to be some little controversy about it, I may ask you were any copies of your letter of the 21st of February, which appeared in the paper of the 23rd of February, sent round or published at all?—Not a single one.

7755. Or were any slips of those, or any distribution of them in any other way?—Not one.

7756. What was in the slips that were sent round to the electors?—The addresses of the two candidates; a statement of Sir Stafford Northcote's about Mr. McCarty's Bill; an address from the united tenantry of the Londonderry and Downshire estates to the other tenants of the county, and speeches of individuals.

7757. That is all?—That is all.

7758. Mr. Justice Barry.] But nothing connected with the ballot?—Nothing whatever, my Lord.

7759. Mr. Moore.] You were acting you told us as conducting agent for Lord Castlereagh in the election of 1878?—I was.

7760. Had you heard at any time before the election was over of any claim by canvassers for services rendered at that election?—I had.

7761. Before the election was over, I say, in 1878?—No, not before.

7762. How long after the election was it that you first heard of any demand being made for canvassing?—It was over two months.

7763. From whom did you first learn or get any information that these claims were made?—From Mr. Coulter; he was the first person, and Dr. Fulton.

7764. Did Dr. Fulton send you forward a list of persons who desired to have something for their services?—He did.

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7765. Was it in Dr. Fulton's own handwriting?—No.

7766. In whose was it?—In I believe the handwriting of a man called Spiers.

7767. Had Spiers been a person who was canvassing for you in 1878?—He was.

7768. And was there a claim on behalf of Spiers himself?—There was.

7769. Did Spiers himself actually call upon you in reference to this claim?—He called upon me two or three times in Belfast, urging payment of it; and in the last interview he told me that if I did not pay he would report me to the association, or words to that effect, and I opened the door and told him that if he did not get out of it very quickly I would make him go very quick.

7770. Did you know that there were perpetual demands being made upon Lord Castlereagh himself and Mr. Brewin, and upon others?—Most irritating demands. Lord Castlereagh wrote to me several times saying that he was tormented by the letters and memorandums and resolutions that had been forwarded to him regarding this man.

7771. Do you recollect, when it had been going on for some time, receiving a sum of money through Mr. Howe?—Yes.

7772. Then you desired these men to be brought in to see you?—I requested Dr. Fulton to summon all the men into the meeting at Saintfield.

7773. Every man's name who was upon Spiers' list?—Yes; as I wished to speak to them upon the occasion about the payment of the money.

7774. Had you ascertained what the nature of the services that had been rendered were?—Dr. Fulton said he really thought these men should get something, as they were a good deal out of pocket; those were the words he used.

7775. Did he himself arrange the terms he thought fair to give them?—In this document that you got sent, there were certain sums put down upon the face of the document, and some of the same that were put down were considered absurd. I sent them back, and subsequently he returned it marked with what he considered a fair sum, 12, 14, 10s., and 22 10s.; he told me that some of the men had been out seven or eight days, and had spent a good deal of money out of their own pockets.

7776. Dr. Fulton is a dispensary doctor down there, coming in contact with these people every day?—Yes, he is.

7777. Did you see him with that Mr. Coulter in the small office in Mr. Coulter's house?—I did; it was a small private room, his own private sitting-room.

7778. Then when you and Mr. Coulter were there, was anybody else there?—Dr. Fulton, Mr. Coulter, and myself.

7779. And you say the room was a small one; had you any object in having one in at a time?—The only thing was, the room was too small.

7780. Were the others in the outside room?—Yes.

7781. As they received the sum of money arranged, did you give any directions as to your wishing to see them?—I told them that I was particularly anxious that they would not go away till I had an opportunity of speaking to them conveniently.

7782. Did you see them conveniently after it was over in the outer room?—I did.

7783. Did you say anything to them about their making the demand?—I said I was sorry to say that I felt they had acted what I might call disgracefully in the election; that that was the only district we had in the county where claims of that kind were put forward, and I sincerely trusted now everything had been arranged harmoniously, we should hear no more of the irritation and bad feeling.

7784. What did you say as to the future?—I said I hoped in the future we would all work as strongly as ever for the Conservative cause. I said it was necessary for all the Conservatives in the county to be perfectly united; the other side were, and that it was necessary we should be, and that squabbles of this kind had the effect of injuring the cause; I said, "I trust you will all work in the future as you have done in the past for the sake of the party;" but, I said, "you must distinctly understand this payment made to you to-day is not to be a precedent for the future." I said I was glad to meet them, and we parted most harmoniously. I may say that at the time, and even now, I do not consider—

7785. We will not go into that. When you said that it should not be a precedent for the future, what did they say?—Some of them said they did not care if I had never even given them what I had given them; it was a matter of indifference to them, and they would do as much again as they did before.

7786. At that election of 1878 Dr. Fulton, you say, had been a person who was acting?—Yes.

7787. And Spiers was the person who put forward this claim?—Yes.

7788. Was any person associated with Spiers in putting these claims forward?—Yes; a man named Sergeant Scarlett; he had been a sergeant in the police.

7789. At the election of 1880 did you keep Dr. Fulton from having any authority in reference to canvassers, or anything of that kind at all?—Yes.

7790. He was not conducting agent for you?—No.

7791. Did you refuse to have anything to say to Spiers or Scarlett?—Yes; I took great care of that.

7792. Mr. Justice Barry.] Did Spiers put forward any claim for himself?—Yes; and was paid.

7793. What did he claim for?—He told me he was far more out of pocket than 10*l.* for the money he had spent himself; he claimed more than that, and he got 6*l.* or 10*l.*

7794. Mr. *Mascare*.] They could hardly decently put forward their own claims without putting forward the others?—No.

7795. You say Dr. Fulton was not the manager at the election in 1880?—He was not.

7796. And that Spiers and Scarlett you refused to have anything to do with further?—Yes.

7797. Was that on account of what was done in 1878?—Undoubtedly it was.

7798. Was it in Spiers' house that the Liberal committee-rooms were held this year?—Yes.

7799. And have you seen Spiers about the court in the present hearing?—Yes.

7800. He appears in the expense account as receiving 3*l.* for the use of his committee rooms?—Yes.

7801. Mr. Young was selected as conducting agent

agent for the present election for that district?—He was.

7802. Did you communicate to him what had taken place in 1878?—Mr. Howe and myself did so jointly.

7803. What were the instructions you gave him?—We brought him into our private office in Belfast, and I said, "Now, Young, we want you to take charge of the Saintfield district, and you are a fellow who will stand no nonsense," or "a person who will stand no nonsense," and we wish you to say at the first meeting of your committee, and at every other meeting of the committee, that there is to be no payment whatever for services at this election, and I told him to represent the circumstances that had occurred at the previous election.

7804. So he went down thoroughly upon his guard?—Yes, and Mr. Howe was present and also added to my statement; I may also add that we gave Mr. Young an extra fee because of the difficulties he would be likely to have in that district, in order to keep him to the district and that he should not go out of it.

7805. I believe Mr. Young is in London?—He is in London at present.

7806. Have you any intimation that he can be here to-day?—He has some Parliamentary Bill going on and he says he will come over if he possibly can, but he has a great many witnesses in it.

7807. Was there any claim of any kind or any undertaking of any kind to pay any money to these men; one shilling for 1880?—Not sixpence.

7808. Was any hope or inducement held out that they would get any such thing?—No, on the contrary they were told this: I instructed all the agents in the county and strongly impressed upon them the necessity of endeavouring this time, in the 1880 election, to keep down the expenses in every way. Even gentlemen who were professional men, told me they would not accept payment this time in order that the expenses might be kept down.

7809. Was it expected to be a close contest?—It was expected we should have a close run.

7810. There is a statement here made about the form of voting card that you issued to the electors, in which they were directed to vote for Hill and Castlecreagh only, or their vote would be lost; what is the meaning of that?—At the previous elections I saw that several voters marked for three and sometimes four candidates, and we issued this card in order to prevent any person marking the ballot paper for the three candidates that they should only vote for the two, because if they voted for the three the vote would be useless.

7811. I suppose that card in the usual way was accompanied by a circular letter asking them to vote for particular candidates?—Yes; and the card upon the other side was something of a similar nature; they said "Vote for Crawford only."

7812. Is that one of their cards (handing a card to the witness)?—Yes that is one of their cards, "Vote for Crawford only."

Mr. Baron Fitzgerald.] This point is "or your vote will be lost."

7813. Mr. Munro.] Had you any fraudulent purpose; was it a fraudulent device of yours?—Not at all.

200.—Sess. 2.

7814. It was to meet what you had seen before?—Yes.

7815. When did you first hear of the existence of this Crawford placard and the gentleman's medical adviser?—It was about three o'clock on the day of the poll.

7816. Had you given any instructions for such a document?—Not at all.

7817. Did you know of its being done till after it was actually sent down?—I did not.

7818. How did you ascertain about its being sent?—I received a telegram from Mr. McCann, barrister, who was stopping with his friend Mr. Gage in Ballymishin, and he telegraphed to me that this bill about Mr. Crawford's retirement was sent by his directions; this was the first I heard of it; I sat down and wrote a telegram in the following words: "The bill sent down was not sent by my authority; do not post it up."

7819. Then it was not by any directions of yours that this joke was perpetrated?—No; I have a copy of it in Court.

7820. It is not unusual in elections for things of that sort to be done?—It is not at all unusual; we had three or four squibs to one on the other side; we had only one; the others had several.

7821. Is that sketch of a man driving to St. Stephen's, a copy of Lord Castlereagh and a donkey (handing a bill to the witness)?—Yes, that is one.

7822. Do you know of a man of the name of Montgomery, of Downpatrick?—I do.

7823. I believe he had been in a very high position at one time?—Yes.

7824. Did you know anything about his voting or intending to vote?—I was certain he had a vote; he had been a very old friend of mine at one time; he had been living in Downpatrick and had been in very good circumstances, and had got into great difficulties, and I thought it would be a good action to take him down to Belfast and give him employment as much as I could; I knew he had been a little straightened sometimes.

Cross-examined by Mr. Murphy.

7825. Up to the time that you held this meeting in Mr. McNeill's, so far as you were aware, there had been no other Gallies who discovered this great trick of the ballot box?—I had read in the London papers previously a statement regarding the Ballot Act that went further than I did myself.

7826. People in County Down or Antrim knew that you were the Gallies Finnigan as to that?—I am not aware that any other person had discovered the secret.

7827. When you went down to Mr. McNeill's, it was to make preparation for the advancement of the Conservative cause in Antrim?—It was.

7828. For the purpose of the expected election whenever it might be?—Precisely.

7829. Mr. McNeill is a landed proprietor, is he not?—He is.

7830. And I believe he is also agent for another Mr. McNeill, who is a landed proprietor?—His brother, or cousin, I think.

7831. Some relative?—Yes.

7832. Has he a clerk named Woods?—He has.

7833. Did you send a notice to Woods that you would be there, or that there would be a deputation from the society, or office, in Belfast, on a particular evening?—No; Mr. Woods was acting as secretary pro. tem.

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7834. Do

Mr.  
Nassey.  
—  
24 June  
1880.

Mr.  
Fitzgibbon.  
—  
24 June  
1880.

7834. Do what?—When we had the committee properly organised in the district, he was acting up to the time that we proposed to have this committee, and then of course some other person would be elected subsequently as secretary.

7835. Did Mr. Woods assemble the persons there that you found assembled?—In answer to your previous question, I may add that I did not say that there was a deputation coming down, but that I was coming down myself.

7836. Did Mr. Woods send out any letters or circulars saying that a deputation was coming?—He might.

7837. You sent word down that you were coming there, and wished to meet some persons there?—Yes.

7838. In order that he might have them assembled for you?—Yes; my circular letter to him was that there should be two or three of the most respectable men he could get, and the safest in the district, that we might have a preliminary conversation.

7839. Is Mr. McNeill here?—I do not know; I do not think he is; I have not seen him.

7840. Is Woods here?—I do not know; I think not.

7841. Is there any person who was present at the meeting here, save the man Wright, who had been examined?—Not that I am aware of.

7842. You say that after some conversation Mr. McNeill said he thought the Ballot Act did no harm?—Yes, something of that kind.

7843. Meaning, of course, that it did no harm to the Conservative cause?—Generally.

7844. And mentioned instances in England, where the Conservatives, notwithstanding the Ballot Act being introduced, substantially the tenants went with their landlords?—No, he did not; he said one of the elections in England had shown that the Conservative party need not fear the Ballot Act.

7845. Mr. Justice Barry.] Alluding to 1874?—Yes.

7846. Mr. Murphy.] And he thought the Ballot Act did no harm, so far as the Conservative cause or the landlord interest was concerned; did he mean the landlord interest?—No; the Conservative party generally.

7847. Did not you understand him to refer to whether or not the Ballot Act had interfered with the influence of the landlords with the tenants?—No.

7848. You did not understand him to mean that?—No, not at all.

7849. You are a gentleman of experience in County Antrim and County Down; did you understand, as a fact, yourself, that most of the landed gentry of the two counties were Conservatives?—Certainly, a large majority.

7850. And that if their just and proper influence prevailed with the tenants, the Conservative cause would be successful in the two counties?—I certainly thought so.

7851. Was this a private conversation between you and him, when he said the Ballot Act did no harm after all?—It was; we were talking generally upon the subject before the meeting commenced.

7852. "After all," said you, "the Ballot Act is a farce"?—Yes, words to that effect; I believe those were the words.

7853. And Wright asked you to show him how it was a farce?—He was retreating at the

time, and jumped up off his seat and asked how I could show it a farce.

7854. He appeared a little astonished at the statement?—No, he did not.

7855. How did he jump up off his seat; had he had a word about this before that?—Yes, we had exchanged "Good morning."

7856. But made no other observation as to what was going on?—None, whatever.

7857. You say he jumped up?—He got up off his seat, and asked how I could show it was a farce.

7858. Did he say it out in the presence of all those assembled?—He did.

7859. You said you would show it to him after the meeting was over?—I did.

7860. You say you did show it to the man in the way you have shown it here to-day, I suppose?—Precisely.

7861. Did you tell him whether any person in the booth had a right to see the number that would be on the ballot paper that was given to the voter?—No, I did not.

7862. You did not tell him whether they had or had not?—No; I told him it could be seen, probably.

7863. Probably you said that?—Probably I said that.

7864. Are you sure you said it?—I think I must have said something like that in the explanation.

7865. Did you tell him anything, whether or not the persons in the booth had a right to see it?—I did not, certainly.

7866. Did you tell him that it was the duty of the officer presiding to prevent it being seen?—I did not; it is the duty certainly, but it is not the practice.

7867. You did not tell Wright that it was the duty of the officers to prevent it being seen?—No, I did not think it necessary to tell him that.

7868. Did you tell him whether any officer had a right to see the number on the counterfoil; that is, the number originally stamped on it, not the number put on of the voter on the register?—Do you mean the presiding officers or agents?

7869. Any person there; did you tell him whether any person there had a right to see the number on the counterfoil?—I did not.

7870. Did you tell him that any person who did disclose how a man had voted made himself liable to punishment?—I said it was penal.

7871. You said it was penal to disclose how any man voted?—Yes.

7872. Are you quite sure that you told him that?—Quite sure.

7873. Was it to Wright you told it?—It was.

7874. You are certain you told it to Wright?—I am quite certain.

7875. Quite certain?—Yes; I had also told it to Mr. McNeill previously.

7876. You told it to Mr. McNeill, but he is not here at present. Could you give me the exact date of that meeting?—I might be able to show you by looking at the paper when it was; I cannot exactly tell you the date.

7877. Could you give me the date of the next meeting that was subsequent to the meeting at Abeghill?—Yes, a week or ten days afterwards.

7878. There were about 20 persons present at that meeting?—Yes.

7879. Were the persons appointed as canvassers?—Most of them were appointed canvassers at the second meeting.

7880. Do



7880. Do you say that during the meeting nothing had been said as to the Ballot Act?—Nothing whatever.

7881. But some man said, after that, "I would be glad if you would show me again about this ballot system"?—Yes.

7882. How did that man come to use the phrase "I would be glad if you would show me again about the ballot system," if you had not spoken about it before?—I believe he was present at Mr. McNeill's meeting.

7883. Was he present?—I believe he was.

7884. Can you give me that man's name?—No, I cannot.

7885. It was one of the men that Woods assembled there, the man who was clerk to McNeill?—Yes.

7886. You were present at the first meeting at Mr. McNeill's, yourself and three others?—Yes.

7887. Wright was one?—Yes.

7888. Was Woods another?—Yes.

7889. Did you count Woods as one of the three?—I did not.

7890. Do you know the name of the other man?—I do not; I never saw the man before.

7891. Did you ascertain since that time, and since this discussion arose, who the two men were?—No.

7892. That man was not Wright?—I am quite sure it was not Wright.

7893. Then, had that man seen what took place between you and Wright at McNeill's?—I think he must have seen it, because there were so few present. I think everybody saw it.

7894. And he heard the conversation that occurred between you and Wright also?—I think he must have heard it.

7895. After showing it to him you said, although it is practicable it could not be disclosed?—Certainly.

7896. Did you add anything more to that man about it, did you say anything about what was the duty of the officers?—I did not say what was the duty of the officers, but I said that no person in the hoth and no agent could tell what he discovered.

7897. Did you tell him that there was a section of the statute making it penal or criminal?—Yes, I am sure I used the word "section."

7898. What did you exactly say to him?—I said there was a section of the Act of Parliament preventing an agent telling what he had found out.

7899. You told him that there was a section of the Act of Parliament to that effect?—Yes.

7900. Mr. Justice Barry.] Did you tell him that the section of the Act of Parliament made it not only penal to disclose what was found out, but to attempt to find out?—I do not think I said "attempt."

7901. Mr. Murphy.] What was the expression?—The expression was, "Man, don't, only for that, what a grand thing it would be to find out how persons who promise you one thing and do another voted."

7902. Are you aware whether that man was a canvasser for reward?—I cannot say, but probably he was.

7903. That very man?—He was a very respectable looking man, and I am sure he selected him.

7904. Of course you read attentively the letter from the man calling himself "Inquirer," and the article appearing in the "Whig," in reference to what occurred at these two meetings?—Yes, I read them very attentively.

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7905. You have carefully read, of course, the Act of Parliament, the Ballot Act?—Most carefully.

7906. And you know the sections of the Act prescribing the duties of the officers in the hoth?—I do.

7907. And Section 11, stating what punishment they were subjected to for disclosing?—I had special attention directed to the Act.

Mr. Justice Barry.] Section 4.

Mr. Murphy.] Section 4, and Section 11.

7908. (To the *Witness*.) Having read that letter of "Inquirer," and that article, what did you consider was the charge brought against you; that is, the serious part of the charge?—I think the serious part of the charge was, that I had told the canvassers to disseminate through the county in their canvass that the landlords and agents could find out how the men voted; I think that was really the charge.

7909. And that was, of course, a most serious charge?—Yes.

7910. And added to that also, as Mr. Burnside said, whether right or wrong, stating that this could be done, that it was not a right thing to publish it at the time, to make it through canvassers and others?—I certainly thought it would be very wrong indeed to do a thing like that.

7911. Did you not think the letter of "Inquirer," and also the article in the paper, said, that even if you had discovered it, that it was a wrong thing to have made known, inasmuch as any person who would do it would be guilty of a crime?—I really cannot see through your question.

7912. Supposing that the letter had not contained at all the expression that you had imposed that upon the canvassers to make it known to the tenants that the landlords could ascertain how they voted?—That was omitted.

7913. Supposing that was not in the letter at all?—

Mr. Mowse.] You had better read the letter out.

7914. Mr. Baron Fitzgerald.] The question that Mr. Murphy asks this gentleman is, whether it was right or wrong; he thought he was charged with doing a thing, and making the possibility a subject of discussion at such a period?—With regard to the last portion of the question, "as such a period," what do you mean by it?

7915. Mr. Murphy.] The period which they considered the approach of the election, you were preparing canvasses for the county of Austin at the time?—Quite so.

7916. Did you not think, from reading that letter and reading the article, that they suggested that it was wrong to make that a matter of discussion at that time amongst people that you assembled at such a meeting as this?—I did not, because I never dreamt of the approach of the general election at all; indeed, I was told by a gentleman who ought to know political matters pretty well, that Parliament would not be dissolved that year, and that it would die a natural death, and probably we would have no election until the following year, in February.

7917. At the meeting at Mr. McNeill's substantially, and the subsequent meeting, were you not making preparations for the election?—Well, I had charge of the County Down.

7918. Can you answer that?—I am going to answer it.

x 4

7919. I do

Mr.  
Finney.  
—  
24 June  
1880.

Mr.  
Finnigan.  
24 June  
1880.

7919. I do not think you can answer it in that way; were you not making preparations for an election at those two meetings?—Certainly, but you would not let me finish my answer.

7920. Mr. Justice Barry.] You have a perfect right to do so?—My Lord, it was necessary for me, in consequence of having charge of two very large counties, to take early steps in order that both counties might be brought into a workable form before the general election took place; therefore I commenced early in the year to do it.

7921. It was a preparation for the election?—It was, undoubtedly.

7922. Mr. Murphy.] You have given an answer as to what you considered the serious part of that charge; why did you not state, in your reply of February 21st, that you had not pressed this on the canvassers?—I do not remember the letter; perhaps you will read it.

7923. I will read it?—I prefer having it before me; I cannot carry it all in my mind.

7924. They had a meeting at Ahoghill, at Mr. McNeil's, and one at Craigum, at an hotel, "at both of which, Mr. Finnigan, of Belfast, was present, and firmly enjoined on the canvassers the necessity of impressing upon the people that their landlords would know how they voted, and told them that after the next election, he would give Mr. McNeil a list, saying how every tenant voted." Where in your letter do you reply to that part, "firmly enjoined on the canvassers the necessity of impressing upon the people that the landlords would know how they voted"?—Well, I think the answer to that is this; have you got my letter there?

7925. Yes, I have it before me?—The part of my letter referring to that is this, "I am accused of going about from place to place for the purpose of intimidating the electors;" that is the sentence.

7926. Go on?—That is the sentence referring to the canvassers.

7927. Mr. Moore.] What is the answer to that?—That is the answer.

7928. What is the answer?—"Inquirer" says I promised," &c., &c.; that is the part of it.

7929. You deny emphatically that you promised a landlord that you would give him a list showing how the tenants voted?—I should add another sentence; I have attended hundreds of meetings, and I never referred to the subject, and I never referred to the subject in the county of Down in my life.

7930. There are two meetings referred to, one at McNeil's, at Ahoghill, and one at Craigum?—Yes.

7931. Listen to this: "At the very meeting mentioned by 'Inquirer,' I was twice pressed by a respectable farmer to explain to him if it was possible to find out how those about him who said one thing and did another voted. I did so to his intense satisfaction." Is that a fair representation of what you now say occurred between you and this man?—I say I was twice pressed; well, I think that was so. He asked me at first about the question of the ballot, and then he asked me a second time; I am certain he did ask me a second time.

7932. Read a subsequent part of the letter?—I will explain to you; I did not, I think, put the word intense; I think it would be "entire," I should say.

7933. Mr. Justice Barry.] I thought so; that

would be a mistake in the printing?—Yes, I think so; I am not positive.

7934. Mr. Murphy.] You explained it to his entire satisfaction?—Yes, his entire satisfaction.

7935. You did explain to his entire satisfaction how he could find out how those about him voted, was not that the meaning of it?—Well, the expression here is certainly ambiguous.

7936. Take the word "entire," if it is of any use to you respecting the matter; here is the manuscript of the document, and it appears to be "intense"?—I did not say that it was not so.

7937. But you see it is "intense"?—It is intense.

7938. Is that document in your own handwriting?—Yes, my handwriting.

7939. His intense satisfaction; do you think that a correct statement of what you say to-day occurred at that meeting between you and that man?—I think the meaning to be taken from that is, that I had proved to him that my case had been a correct one.

7940. Leave out the word "case"?—Well, theory.

7941. You did not use the word "case" in the hearing of this farmer?—No, I did not.

7942. Did it not appear in that letter that this farmer, who you admit now, may have been one of your canvassers?—Quite so.

7943. His inquiry was, how he could find out how his neighbours voted?—No; he said, only for that, would it not be a grand thing to find out.

7944. Pardon me now, Mr. Finnigan, reading your letter; do you not represent that a respectable farmer wanted to know how those about him voted?—That is the way in which I put it in the letter.

7945. And that you showed to his intense satisfaction how he could find out that?—Well, I knew perfectly well that he could not find it out.

7946. Now, mind what you say, this letter was to be circulated as wide as the other?—Oh, no, no.

7947. This letter, I mean, is to appear in the "Whig," as a contradiction of the statement of "Inquirer," or in confirmation of it, or whatever it was?—Do you ask me a question?

7948. Do you not see in that sentence that you point out that the respectable farmer was perfectly satisfied with what you told him as to the mode in which he could find out how his neighbours voted?—No; my belief was, that a respectable farmer was quite satisfied that my theory, if you like to call it so, was a correct one.

7949. I ask you, what is the meaning of the sentence you give there? does it not give those who read it to understand that one farmer could find out how the others voted?—Well, I think certainly you may take that view from it, but that was not my view, when fairly read.

7950. Is not that a clear manifest view suggested there?—Well, it was not the view I had in my mind at the time I wrote the letter; however, I think it is quite capable of being looked upon in that way, as you say.

7951. Will you show me, in any part of that letter where you point out that the person who enabled the other to discover it was guilty of a crime, or an offence under the statute?—I have not said anything about that in the letter; I may mention to you, that letter was written under very

very peculiar circumstances, I was ill at the time, sick in bed, and I wrote it there, and it was not at all written with as much ease as I otherwise should have written it.

7952. Here is your manuscript, "I was twice pressed by a respectable farmer who," you then erase something, "to explain to him if it was possible to find out," you had added, "how those who said one thing and did another voted," you have altered it, "to find out how those about him who said one thing and did another voted?"—Those are my own words.

7953. Those about him, that is his neighbours?—His neighbours.

7954. You showed him to his intense satisfaction how he could do that?—I did not.

7955. That is what is stated in the letter?—I did not.

7956. Very well, you say you did not?—I say this conveyed the impression to my mind in writing this letter, that he was satisfied with the statement I had made regarding my theory.

7957. The statement you had made, was not his inquiry to know how his neighbours had voted; substantially is that not what you state in this letter; and that you showed him how he could ascertain that?—No, he could not ascertain that at all; it would be impossible for a man like that to ascertain it.

7958. It would depend upon whether he was in the polling-booth?—The very fact of putting it in that way shows that it was not so.

7959. We will leave it there; but is no part of that communication do you point out that it would be the result of a criminal offence on the part of two or three persons to ascertain this fact?—I do not; but I subsequently stated in the press, that it was a penal thing to do it.

7960. We will see that immediately, who was the first person who violated his duty in order to enable this to be ascertained?—Well, the booth, or personation agent, of course, would be the first person to do it.

7961. Who should be the next then?—Any person at the counting of the votes.

7962. What about the deputy of the sheriff there?—The sheriff might do so if he was present at the counting of the votes, or supplied a list to any persons who were there.

7963. If the sheriff takes care, as he ought, to correct the numbers on the back, it could not be ascertained?—Oh, yes.

7964. Of course I mean by the person who represents him?—Do you mean if he took precaution in hiding the counterfold number it could not be ascertained.

7965. First doing that, and secondly, hiding the number on the back of the voting card?—It could be easily ascertained, even if it was covered over with a sheet of blotting paper.

7966. Mr. Justice Barry.] How?—I will show you, my Lord. If the first person who goes into the booth get No. 345 ballot paper, he marks that paper and gives it back to the returning officer and goes out; he could tell to a person outside that he had got No. 345 ballot paper.

7967. Then he should be in the conspiracy too?—He should be in the conspiracy too.

7968. Mr. Murphy.] In relation to that which Mr. Justice Barry asked you, a person who got a list from a particular place from a presiding officer would be at the counting?—No; it is not necessary that he should get the list at all at the time.

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7969. Should he not get the register for a particular district, say, for instance, Saintfield?—No, he might get any sheet of paper putting down the register numbers.

7970. With the numbers returned for the purpose of ascertaining how the voters voted?—Precisely.

7971. Should not he be in the conspiracy also?—No, he need not.

7972. Why not?—He need not tell him the purpose at all; he might be entirely innocent of the whole thing. I might state this, in answer to Judge Barry; I said that the person outside should be in the conspiracy; no person need tell him what the object was at all; what it was required for. He might be a perfectly innocent man.

7973. When you apportioned the register to the man should you not tell him to ascertain how this and that number voted?—He should ascertain how No. 345 ballot paper voted.

7974. He should be committing an offence too?—Certainly, if he attempted to do it, it would be a gross offence.

7975. Now, as to the alleged attacks made in the papers concerning you time after time. Is there any paper in which the word "liar" is applied to you?—Yes, I think so.

7976. Can you show it to me, because I do not see it in any paper?—Mr. Monroe had it, I think, yesterday.

7977. The word "trickster," I believe, was in one of the papers, but I do not know whether it was applied to you, Mr. Finnegan, at all. But show me any paper in which this language is applied to you?—

7978. Mr. Monroe.] Look at the latter end?—Yes. It is said, "The electors of Down to-day will have the opportunity of telling us what they think of this lie." That is the letter of the 7th April.

7979. Mr. Murphy.] They were saying it was a falsehood to state that it could be discovered?—That I had been telling what was untrue; that I was a liar.

7980. Now, as to the publication of the letter in March?—This is March 31st; "Of course no one believes for a moment the allegation made by Mr. Finnegan." That means, of course, that I was a liar.

7981. No one believes for a moment the allegation you made that it could be ascertained; that it was not possible for anybody to ascertain how each individual voter voted?—That is if the person be unscrupulous enough to do it.

7982. Mr. Monroe.] Read the next line, and you will see that it points to it?—"Of course, no one believes for a moment the allegations made by Mr. Finnegan, who has not dared to accept the challenge to substantiate them."

7983. Mr. Murphy.] As to the challenge made, was there not a challenge made to see if you could get the opinion of any lawyer? I believe the Attorney General of the day was referred to?—I may say that I had told the Attorney General previously, Mr. Gibson.

7984. Was he not referred to?—He was.

7985. Was not the wager with reference to the 100 £ to leave it to a decision given by Mr. Wylie?—It was.

7986. Will you show me any statement of yours, in any letter or any article that was published, that you saw pointing out to the people of Down or Antrim, that a person who disclosed the

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secrecy of the ballot committed a criminal offence?—The only thing that I ever wrote on the question was this letter of the 31st. I never wrote anything afterwards on the subject.

7987. Did you not know from that time to the time that this letter of March 24th was published that the other side considered that it was dangerous to their party that the belief should be spread that the ballot was not secret?—I did not consider its being dangerous to their party.

7988. Now Mr. Finnegan, did you not think, from the articles you read, and from the noise that was made about it, in the *Whig* paper, from that letter of Sir Thomas McClure, and the reply of the present Chief Secretary of Ireland; did you not think that they, whether right or wrong, considered that it was injurious to their party at the approaching election to have that belief spread abroad?—I think that would be a fair inference.

7989. A fair inference from all their statements?—It would.

7990. So far from any statements they were making, it was to strive and counteract that which they considered a false impression, or even to prevent its getting abroad, if it was true?—I think that the other side, as you call them, were quite right to endeavour to show the electors that this was untrue, as they considered it; but I have no other opinion on the subject, except that. At the same time I thought that they could do that without personally attacking me.

7991. So far as they say, it is this; that you were the person promulgating the opinion here?—No, I was not promulgating the opinion.

7992. So far as you saw, did it not originate at these two meetings at McNiff's, and at the other place we have named?—Yes; it was the other side originated the thing first.

7993. The other side?—Yes.

7994. By inquirer writing and saying that you had stated this to some persons, canvassers and farmers?—Yes; I did not raise the question.

7995. You did not raise the question, but it was introduced at those two meetings whether by you or by those who had assembled there?—It was stated at that meeting.

7996. Was it mentioned at another meeting, do you recollect?—Not a single meeting in the County Antrim or County Down.

7997. At a meeting at Bushmills, do you recollect whether it was mentioned?—I do not think I ever attended a meeting at Bushmills.

7998. At a meeting at Coshendall, do you recollect?—I never was at Coshendall in my life.

7999. You were not there?—Never.

8000. Do you recollect seeing it noticed there?—No; I do not believe it was.

8001. At that meeting Lord Hill and Lord Castlereagh were present; I forgot what the date of that meeting was; you say that when this matter was agitated in the papers, Lord Castlereagh was called upon to give a contradiction to it, and he announced that the ballot was secret?—I am not sure.

8002. You were not at the meeting yourself at which one of the tenants put it to Lord Arthur Hill?—I have stated that I was not.

8003. You have stated that when this meeting was arranged of some of your friends and some of the editors of the newspapers, you said that, in consequence of the personal attacks, you did not ask the editor of the "*Northern Whig*" to be there?—I did not, because the other Liberal

papers, the "*Echo*" and the "*Morning News*" were discussing the subject, but did not personally attack me.

8004. At that meeting did you state at all that any section of the Ballot Act would be violated?—I cannot say; I cannot remember.

8005. You cannot remember that you did; did you point out to any one person at the meeting either of the two important sections that you were perfectly well aware of?—I remember stating, that although this theory was a correct one, of course the thing could not be done, as the Act of Parliament prevented it being done, being contrary to the law.

8006. The Act of Parliament prevented its being done?—Prevented its disclosure.

8007. Did you point out what was the penalty attached to it?—I commenced by stating that I merely wished to establish the theory which I had formed in my own mind, and, of course, it could not be put into practice without violating the Act of Parliament.

8008. On what day was that meeting held, do you recollect?—The day before the leader appeared.

8009. And on the evening of that day was it Mr. Lilburne called upon you?—It was some time after the meeting had separated.

8010. Was it at the meeting he told you he thought some notice should be taken of it in the papers?—No, it was after the meeting. He said he had been thinking over the matter since.

8011. Where was it; was it at his own office or at yours that he said that?—He came down to my office.

8012. Did he then tell you that he had any article for publication?—He did not.

8013. How soon after that did he send for you to tell you that he had an article for publication?—I think he came down to the office, as well as I remember, about two or three o'clock; somewhere about ten or three o'clock. I went up to his office about seven or eight o'clock in the evening. I think it was about that.

8014. In the meantime you had seen Mr. Burnside?—I had.

8015. About what hour had Mr. Burnside come in to you?—A short time after Mr. Lilburne came.

8016. Was Mr. Lilburne present when Mr. Burnside came in?—No, he was not.

8017. I think you said to my friend, Mr. Meares, that you told Mr. Burnside the result of the meeting?—I did.

8018. Did you tell him that all present were satisfied at your explanation?—The words I used were that some of the gentlemen went even further than I did myself, that others were convinced that a certain per-centage of the voters could be ascertained, and that others were not entirely satisfied.

8019. Did you mention how many they were in number who were not satisfied?—Still, I may say that all asserted that I had good grounds for the statement I had made, that the Act was defective.

8020. Did you tell him how many there were in number who were not entirely satisfied?—I think there were two gentlemen or one gentleman.

8021. Who?—There was one gentleman. I see the gentleman opposite me in court; I forgot his name.

8022. Is it Mr. Jenkins?—Yes, Jenkins.

8023. I think

8023. I think you had known him a long time?  
—Yes; he was a personal friend.

8024. What was it Mr. Jenkins exactly put to you?—He put several questions to me as to the points I had suggested, and I pointed out to him the difficulties in my theory.

8025. In carrying it out?—In carrying it out.

8026. Did he say he could not see how it could be done?—No, I do not think he did; he may have said so.

8027. Try and be accurate as to this?—I endeavour to be accurate.

8028. Do you say you told Mr. Jenkins that doing this was a violation of the Act of Parliament?—I remember distinctly stating that before I commenced the explanation.

8029. When Mr. Jenkins was putting those questions to you, did you mention that to him?—I did not think it necessary after my previous statement.

8030. Mr. Burnside saw you, then, before the first and second interview with Mr. Lillburne?—I should add, perhaps, that I stated that, I think, several times during the interview, that of course the thing was contrary to the Act of Parliament.

8031. During the interview with Mr. Burnside, when you told him this, you told him that some were not quite satisfied?—I said that all were substantially satisfied. The gentleman present said that. I had even understated it from his own experience.

8032. Did Mr. Burnside say anything to you about publishing any account of it in any newspaper?—He said that certainly that should be put in for the sake of my own character.

8033. What did you say to that?—That an account of the interview should be put in.

8034. Mr. Burnside said that?—Mr. Burnside said that.

8035. What did you say to that?—I repeated again what I had told the gentlemen present at the interview, that I would take no part in commending it.

8036. You left Mr. Burnside in your office?—I had to go away to attend some meeting or some committee meeting.

8037. Did you see him again that evening?—I did not.

8038. You saw Mr. Lillburne afterwards, and he told you he had got an article on the subject?—He did. I may say that when I was leaving the room, Mr. Burnside turned to the table and sat down, and commenced to write.

8039. Mr. Lillburne did not tell you from whom the article came?—He did not.

8040. You did not ask him?—I did not.

8041. Nor did not ask to see it?—I did not ask him the tenor of it.

8042. Did he tell you that he had made any alterations?—I do not think he did, he may have done so, but I am not sure.

8043. Did you ask to see the article itself at all?—Certainly I would not ask the editor of a newspaper to show me an article.

8044. You then parted from Mr. Lillburne knowing there was an article to be published?—I did.

8045. You saw it the next morning as you have told us?—I did coming down in the train to Belfast.

8046. How soon after you went into Belfast did you see Mr. Jenkins?—Do you mean the day I saw the article?

8047. Yes?—I could not really say.

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8048. Did you see him that day in your office?—I did.

8049. Did Mr. Davidson and Mr. Jenkins come there together?—They did.

8050. Did they say that the publication of this article, and stating that they were perfectly satisfied, was a breach of good faith?—I am not sure.

8051. Did Mr. Jenkins bring the Act of Parliament with him?—He did.

8052. Did he point out that there were two sections in the Act which you had never referred them to, and which showed that the thing could not be done unless committing a crime?—I had told them so myself previously.

8053. Now you stated that?—I am answering your question.

8054. Did Mr. Jenkins point out to you the two sections, 4 and 11?—He pointed out certainly some sections in the Ballot Act to me; they must have been those sections.

8055. Did he say that it was an unfair thing to have made fools of them, or to have made tools of them, there?—I do not think he did; he may have said so. I do not know.

8056. Did he not complain about the appearance of this article in the newspaper?—I am not sure.

8057. Mr. Finnegan, do you mean that?—If Mr. Jenkins says that he did so, of course I will believe it to be correct.

8058. Mr. Davidson and Mr. Jenkins came there; Mr. Jenkins came there with the statute and called your attention to two sections?—He did.

8059. Do you mean to say that you cannot tell their Lordships whether he came there complaining or not?—Only from his manner, I think I could ascertain that; I think he was rather dissatisfied with the thing. It appeared from his manner and conversation, that is as well as I can recollect.

8060. Was Mr. Burnside there at the time?—I do not know, I do not think he was.

8061. Was not Mr. Burnside present at the interview when Mr. Jenkins and Mr. Davidson came into the office?—I think I remember his coming in. Yes, I remember now.

8062. And heard them speaking about this article?—I suppose he did if he was in the office. I do not remember whether he remained in the office or not; I remembering his coming in.

8063. Did you not say that you knew nothing about it, that it was all Lillburne's fault?—I may have told him that I did not know anything about it.

8064. Did you say it was all Lillburne's fault?—I never used the word "fault."

8065. It was all Lillburne's doing?—I do not think I said that.

8066. Did you use Mr. Lillburne's name?—I do not remember.

8067. Did you not do it in the presence of Mr. Burnside, the author of the document or the article?—I did not know that Mr. Burnside was the author.

8068. And Burnside was there with you at the time?—I did not know he was the author.

8069. Did Burnside say a word about it or say it was he who wrote it?—He did not.

Mr. Mercer.] He does not say he was there.

Mr. Murphy.] Do you say he was not there.

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Mr.  
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Mr. Baron Fitzgerald.] He said upon reflection that he was there.

Mr. Moser.] He does not know whether he remained or not.

Mr. Murphy.] This is a very important proceeding so far as these gentlemen are concerned, and so far as their evidence goes to day.

8070. Attend to this; did not these gentlemen, Mr. Jenkins and Mr. Davidson, come in making a complaint, as you understood it?—I have said it was from their appearance and manner.

8071. And they had the Statute there with them, and called your attention to two sections?—Mr. Jenkins had it. I am not sure even whether Mr. Davidson was with him or not. I am not positive upon it. I do not think he was there.

8072. During the time that they were there was not Mr. Burnside present?—I really could not say whether he remained in the room, but I have a recollection that he did come in at the time.

8073. Was it after he came in that Davidson and Jenkins came in?—I do not think Mr. Davidson was there, it was Mr. Jenkins alone.

8074. After Mr. Jenkins came in, did Mr. Burnside come in?—He did.

8075. Or did he find you both together?—I think he put his head into the door and saw us present, but whether he came into the room or not I cannot say.

8076. You cannot say?—No.

8077. Had you at this time ordered the 10,000 copies?—I think I had. I think so, about the middle of the day he came in.

8078. Are you able to say whether you had or had not?—I must have, I think.

8079. Had they come to the office?—I do not think they had.

8080. Did you tell Mr. Jenkins a word about this distribution of them?—I did not.

8081. Did you think that the article circulated was calculated to spread a belief among the tenantry that the ballot was not secret?—I did not.

8082. You did not think it was calculated to produce that impression?—No, I did not.

8083. Reading it you saw that there was no reference to the Statute in it?—There was no reference to the Statute.

8084. I suppose before you ordered the copies of it, you read the article carefully?—I read it in the train.

8085. The heading is, "The Ballot System, is it secret?" You read the article after that?—With that heading?

8086. Yes?—Oh, yes, I did.

8087. Did you see that the effect of that article was to persuade people, or to endeavour to persuade people, that the ballot system was not secret?—I had not formed that opinion at all.

8088. You had not formed that opinion at all?—And did not form it.

8089. Did you read this, "We are bound to state that Mr. Finnegan's demonstration was so clear and convincing, that every gentleman present admitted that he had fully substantiated his statement;" was not that the statement that the ballot was not secret?—No, it was not. It was the statement that I considered it easy and possible to ascertain how the voter had voted.

8090. "We were previously aware that the Ballot Act did not afford perfect security, and this opinion has been strengthened by the attacks of the Whig, and the clear convincing statement made in our presence by the much abused secretary of the County Down Constitutional Association," that was by the clear explanation you gave them?—Precisely. My reading of that would be that the statement I had made regarding the easiness and possibility of it simply amounted to that it was easy and possible to ascertain it.

8091. That being so, did you think that article being disseminated amongst the tenantry was calculated to lead to the belief that the ballot was not secret?—I do not think it did, because in the wording of the sentence it is, "We were previously aware that the Ballot Act did not afford perfect security." That did not state the Ballot Act did provide it.

8092. That the Ballot Act did what?—"We were previously aware that the Ballot Act did not afford sufficient security." Well it was stated over and over again in the newspapers in London and other places, and in the North of Ireland, that the Ballot Act was defective, and it did not provide for complete secrecy.

8093. Supposing persons had not read those statements in any other papers, do you not believe that persons reading that article now for the first time, on this subject, would be led to the conclusion that the ballot was not secret?—I do not believe that.

8094. You do not believe that?—I do not.

8095. If you thought that persons were led to that conclusion, you would have considered it unjust to have disseminated it?—Will you repeat that?

8096. If you thought that the tenants would be led to that belief, you would have considered it improper to disseminate the paper?—I certainly would.

8097. If you thought it was calculated to lead to that belief?—Yes.

8098. Mr. Justice Barry.] What do you think is the difference between saying that it is easy and possible to discover the thing that was intended to be concealed, and saying that the system is not secret? What is the distinction do you think between the two?—The distinction is, my Lord, that if a person wished to find out, that he could easily do it, but that while the Ballot Act is secret, of course it would be impossible to do it without violating the Act of Parliament.

8099. Mr. Murphy.] Will you show me where you point out in that article to a violation of an Act of Parliament?—I said before, that I did not state it in that article, because I was not the author of it.

8100. Where is it pointed out in that article that any Act of Parliament is violated?—I cannot be responsible for this, but it does not appear.

8101. You cannot be responsible for it?—Not for the authorship of it. I look at this article purely as a defence of my character.

8102. Did you read this letter published in the "News Letter" by Messrs. Jenkins and Davidson. "Sir,—In your article in to-day's issue on the above subject, you say, 'We are bound to state that Mr. Finnegan's demonstration was so clear and convincing, that every gentleman present admitted that he had fully substantiated his

his statement," as you left the meeting before we did, you may not be aware that some of the gentlemen said to Mr. Finnegan, that while according to his statement as to what the Act allowed, it was possible for him to find out how a certain number of electors voted, yet seeing we were neither acquainted with the Act nor had any experience as to its working," &c., &c. (*The learned Counsel read the letter*); did you read that letter?—I did.

8103. Was it true?—I believe that those gentlemen present did state that they were not absolutely convinced.

8104. Did they not state to you that they knew nothing about the Statute, or what it pointed out should be done?—They did not.

8105. Did they state that they were neither acquainted with the Act, nor had any experience as to its working?—Mr. Jenkins, I believe, stated that the next day, but not upon the day of the meeting.

8106. He says here that it was stated on the day of the meeting; in point of fact the Statute was not there or referred to at the meeting?—Except by my introductory statement.

8107. I may ask, of course you had the Statute itself in your office?—I had, or at least I think I had.

8108. Did you keep any list at all of the places to which the 10,000 copies were sent?—No, I simply sent to my assistant, "I wish you to dispatch these at once." Those were the words I used.

8109. Were they sent in a parcel to the committee-rooms, or were they sent separately, folded up?—I believe they were sent in parcels. I believe that is the usual way in which they were done.

8110. It was to the committee-rooms they were sent at the different places?—It was.

8111. Did you give any directions to the persons in the committee-rooms what they were to do with them?—Nothing whatever. Of course the papers all went before and were circulated, and of course I anticipated the same thing would be done with them.

8112. But it was for the purpose of having this article disseminated?—It was for the purpose of having my own character sustained.

8113. I mean that this paper, of which a great number were ordered, contained this article?—It did.

8114. How many of them have you sent to the county of Antrim?—I think about half to one and about half to the other. I may say that the County Antrim Election was being worked from the same place and with the same staff.

8115. You are charged for this, you are aware, in the accounts of Lord Hill and Lord Castlereagh?—I meant to pay for the newspapers entirely out of my own pocket.

8116. Who put it down in the election expenses?—It was charged in the election expenses by the manager of the "News Letter;" he would naturally put it into the election accounts.

8117. Naturally put it into the election accounts?—Yes.

8118. Did you give him any directions as to how it should be done when you were ordering them?—I did not; but this order was specially sent by myself to the office. The other orders were sent by my assistants or my clerks.

8119. This is written by yourself?—This is a special written order.

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8120. By what clerk in the office was it sent out?—I could not tell.

8121. You could not tell the clerk to whom you gave the order to send out the paper?—Yes.

8122. Who was he?—Mr. Guinness.

8123. Is he here?—No. He is a candidate to-day, I believe, for a situation in Newtownards, and cannot attend.

8124. Did you ascertain from him to how many places he had sent them?—Well, I desired to send those out at once; I said I am not sure what district to send them to; I am sure he could tell if he were here.

8125. It is a very general direction "send out these at once;" did you tell him to send them to all the polling places?—No, but of course I meant that.

8126. Did you ascertain from the persons at the polling places into whose hands they had come?—No, it would be impossible for me to ascertain that. I heard subsequently.

8127. I want to know did you ascertain from persons near to whose hands they came; give me the name of the election committee or the person to whom they came?—I really could not tell you that.

8128. They say that articles which have been previously published against you were circulated; did you ever see, from more than two persons, slips in an envelope; I think you named one gentleman who enclosed you slips in an envelope?—They were sent out in the districts, and in travelling about in two instances they were handed to me across the dining table.

8129. Slips containing the article?—Yes, containing the expressions which have been referred to.

8130. Did you ascertain at all what number had been ordered?—I ascertained that, and I went to various districts and found that they had been sent round.

8131. You found they had been; did you find that in more than two cases, where you say the slips were handed to you in envelopes?—Yes, half-a-dozen.

8132. Give me the names?—In Hillsborough there was one place.

8133. Give me the name of any person who handed it to you?—Mr. Howell.

8134. I think you mentioned him before, and another gentleman?—Mr. Euston.

8135. Mr. Baron Fitzgerald? Lord Arthur Hill?—Yes, Lord Arthur Hill. I think Major McCutcheon, but I am not sure. In Downpatrick I think Mr. Grady did, so far as I recollect.

8136. Was it the same thing he handed to you?—The very same thing.

8137. What article was that?—It was printed on a slip; I think there were three slips in the same envelope.

8138. Have you any?—I have not. I tried to get some but I could not. I have been endeavouring for the last couple of days to get some.

8139. Now with respect to what you have said upon the demands of overassessors?—Perhaps I should add, in justice to myself, that Lord Arthur Hill and Lord Castlereagh themselves, considered that it was unfortunate that this discussion was going on in the papers, and they handed over this thing to me and said, "Finnegan, how do you meet this kind of thing?" I may also

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state, my Lords, that at every place I went to I was met by my friends, saying that this was doing me a great deal of injury. Even in the railway carriage I was told by my daughter that persons said they would not ride with me, even in the same carriage.

8140. Because of the lies?—Because of the lies and tricks.

8141. Did any claims come in from any other district, except Saintfield, after the election, from canvassers?—None.

8142. Were any voters paid after the election, except in Saintfield?—Do you refer to 1878?

8143. Yes?—Not one.

8144. You have not the list of names sent by Spears?—No.

8145. Had you the names before you when you requested Dr. Fulton to summon in again the name of the men on the list?—I had; no, I think I am wrong. I had a list of the names before me at the meeting where the money was being paid, and as we paid off each person a mark was put opposite his name "paid."

8146. You said you required Dr. Fulton to summon in all the men on Spears' list; but had you yourself seen the names of the men on Spears' list?—I had.

8147. You had seen it then before you required Dr. Fulton to summon them in?—Yes, decidedly.

8148. How many were they in number?—I think there were 12 or 14.

8149. There might have been 20?—I do not think there could have been.

8150. Not more than 12 or 14?—The way in which I guess at it is by the size of the sheet.

8151. Dr. Fulton had told you he thought that the men were entitled to something?—He did; he came to my office and told me so.

8152. Can you tell me any one of the men who were in court and had made a demand of this description?—I do not know one of them at all except Spears. I knew him and I knew Seacrest.

8153. You saw men here who said that they were paid?—I did.

8154. And stated the circumstances under which they were paid?—Yes.

8155. And that they had never made any demand for it; will you name to me any of them who had made a demand?—I could not.

8156. But after you paid them you said you wished to speak to them collectively?—I did.

8157. And you told us what you said, that as everything had been arranged harmoniously, all would act in future in their positions; were the very same men chosen as canvassers in 1880?—I do not know.

8158. You had the means, of course, of knowing through Mr. Coulter, and through Mr. Fulton, who these men were?—Well, I knew them to be farmers in the district.

8159. But whether they were chosen as canvassers in 1880 or not, you do not know?—No, I am not certain.

8160. Who was it that directed the appointment of personation agents through the districts?—The committee.

8161. In the different places?—In the different places.

8162. Did you not send out all the names of the gentlemen that were to be chosen as personation agents?—No; there were instructions issued

to the committee before the day of polling that they should forward a list to me of the persons whom they requested to be personation agents, in order that I might fill up their names in the proper forms, and get them signed by the candidate, and then return them to the committee.

8163. You got the names of the persons to be appointed as personation agents?—I did.

8164. You got, of course, the name of Colonel Ferrie?—I did.

8165. And of Mr. Alexander?—I did.

8166. You got the name of Sir Thomas Bateson?—I am not sure; I do not think he was on. He may have been, but I know Sir Thomas did not act.

8167. You have the name?—Probably I have. He is chairman for the district committee.

8168. And of course as, we know, a very large landed proprietor?—Yes.

8169. You got the name of Mr. Brownlow?—I did.

8170. The agent to the Londonderry estate?—Yes, I did.

8171. You got the name of Mr. Gage, the agent to a large estate?—Yes.

8172. And the name of Colonel Brusk?—Yes, I may say all the gentlemen in the county who had property and belonged to the different estates, mainly the chairmen of the different local committees.

8173. You got the name of Mr. Kingscott, I think?—I did.

8174. And Mr. Howe?—I did not.

8175. Not Mr. Howe?—I did not get Mr. Howe's name.

8176. Was not that sent to you?—I think not.

8177. Was his name put in by you?—I think it was.

8178. Mr. Henry, the agent of Lord Kilmorrey's estate?—Yes, I got his name also.

8179. The Rev. Mr. Burnside, Richard Canlyle, Sir Thomas Bateson, of Belvoir Park, personation agent, John Blackiston, Houston?—Yes.

8180. He is a landed proprietor?—Yes, he did not act.

8181. The name is down?—Yes.

8182. Is he not a large landed proprietor?—He is.

8183. And also in that same district Lord Arthur E. Hill Trevor, the former member for the county?—The name was returned to me, but Lord Hill did not get his paper, and did not act.

8184. It was returned to the sheriff?—Yes, it was returned to the sheriff.

8185. His agent also, Mr. Glenny?—If it is there it must have been.

8186. And we have had before the name of Mr. Murphy, the agent?—You may assume it with regard to all the men you have there.

8187. My Lords cannot tell by looking at this who they were; as a rule, of course, you pursued the list sent into you, and took care as to who should be personation agents?—Took special care.

8188. As a rule, had you not all the large landed proprietors or their agents in most of the districts?—I said so.

8189. Mr. Ward, of Bangor Castle; he is a gentleman and a large landed proprietor?—Yes, he was one.

8190. As a rule, you have them?—Yes, I had my reasons, of course for it.

8191. Then



8181. Then state your reasons?—In the previous election of 1878, we incurred a very large expense indeed under the head of agency. Our association arranged previous to this election, that all these gentlemen and others throughout the county in prominent positions, should undertake the offices, which were previously paid for, gratuitously, in order to save expense. That was the object for which it was done. The consequence was, we have saved about 4,000 L., or upwards, at this election, mainly in consequence of that.

8192. Mr. Justice Barry.] Were you in Court when Mr. McClelland, in answer to me said, that the truth was, that this appointment of a number of persons as personation agents was a mere device to get so many persons of more or less influence into the booths on both sides?—Well, my Lord, my object, solely and entirely, was for the purpose of saving expense.

8183. Do you not think you might as well do without a personation agent, as to have a gentleman loitering in and out, and not attending to what is going on about?—No, my Lord; because I thought they would know the districts best. I was going to mention another reason too. It was better, I think, and more proper that we should have a gentleman like Colonel Forde and others in the booth; that might be used as an argument by me to show, that I did not want to go and interfere with the ballot secrecy, because these gentlemen would never be thought guilty of doing anything in violation of the Act of Parliament.

8194. They were not the persons who substantially acted as agents?—Oh, yes, they did; take Mr. Brush's case; he had to be brought specially into the booth for the purpose of preventing personation, and he did prevent it.

8195. Mr. Murphy.] You said something which occurred about calling the attention of the officer to something which had taken place at the counting of the votes?—Yes, Mr. Kelly.

8196. On that occasion, did Mr. Brett call upon the officer to note where your position was at the time the votes were being counted?—He may have done.

8197. Did not the officer remove you from that place?—He did not.

8198. Do you recollect his calling attention to it?—I think Mr. Brett said, there should be no person behind the ballot papers.

8199. Were you there at the time along with Mr. Andrews and others?—He called out, that we should retire from that place, and we left it.

8200. Mr. Fraser was a gentleman who was paid a certain sum?—Something he was paid.

8201. Do you know whether he voted?—I do not know.

8202. Is Mr. William Fraser a solicitor of Newry?—He is.

8203. Who is Mr. Joseph Dixon; he is of Dromore?—Yes.

8204. Was he paid?—He was not.

8205. I think he had 10 L.?—I think there was a meeting held at his house.

8206. It is Mr. Joseph Dixon of Dromore?—Yes.

8207. You first heard of this placard being up through Mr. McClelland?—Yes.

8208. You, of course, repudiated any connection with it?—Distinctly.

280—Sess. 2.

8208. You had nothing to do with it?—Nothing whatever.

8210. It was considered an improper thing to do?—It was, I thought, of too personal a character.

8211. It was a fact that Major Crawford had been very ill prior to the election?—No, I do not think so, because I met him myself during the election; we had a conversation with one another, and he seemed to be in as good health as ever.

8212. Had he been in bad health?—I have heard he has been in bad health since the election.

8213. Before you heard of the placard, had you not known it?—No.

8214. Had he been able to attend any of the public meetings?—Yes, he attended a public meeting at Holywood, and made a very good speech.

8215. Is that the only one he attended in the county?—That is the only one I saw reported.

Re-examined by Mr. Neeson.

8216. Were there a very large number of personation agents acting for Major Crawford?—Yes.

8217. And even a larger number acted in 1878?—Yes. It is a very curious fact that the number of agents on both sides happened to be exactly the same.

8218. Were there even a still larger number acting then?—Three times as many in 1878.

8219. Acting on behalf of the Liberal candidate?—Yes.

8220. In the letter of Mr. Wylie's that I referred to yesterday evening, and which appears in the "Whig" of 25th February, there is this passage, "An agent who has been in a polling booth at any election will have observed, that there are many voters who take no pains to conceal their votes, and who bring them out of the voting apartment in such a way that any agent can see the vote." The article referred to also refers to Lord Arthur Lillie's statement. It is contained in a leader in the "Whig," of 7th April; his Lordship, however, candidly admitted, that he had said in reply to questions that the ballot was secret, "It is perfectly true," observed Lord Arthur Hill on Monday, "I did say, and I believe, the ballot is secret;" that is the very morning of the polling?—Mr. Wylie was quite correct with regard to what he stated. In the case of the ballot paper, I have frequently seen persons come out of the secret apartment, and before depositing it in the box, openly shewing the ballot paper.

8221. Do you know as a matter of fact that the persons who go into the booth take out to their committee-rooms a report of the number of persons who have voted and come up to vote?—Yes, it did occur at this last election.

8222. Do you know, that at this election one of the Conservative agents had to prevent that being done?—Yes.

8223. It was done systematically?—It was done systematically during the day.

8224. You say this matter was very much discussed; have you seen articles in the London "Times" and the "Daily Telegraph" inserted in precisely the same terms?—

Mr. Justice Barry.] I think we must have those newspapers. The statement

Mr.  
Fitzgibbon.  
—  
24 June  
1880.

Mr.  
Finnegan.  
24 June  
1886.

came upon me by surprise. I am not a great newspaper reader, but I never heard of the discussion before.

Mr. Meares.] I have sent to Belfast for the London "Times" and the "Daily Telegraph," containing articles far stronger, I think, than those.

Mr. Justice Barry.] It might be so, but we ought to have them.

8225. Mr. Meares.] We have sent for them this morning; the letter to which I have been referring, says this, "An agent who has been in a polling-booth at any election, will have observed that there are many voters who take no pains to conceal their votes, and who bring them out of the voting apartment in such a way, that any agent can see the vote; but if the voter himself chooses to fill up his paper so as to conceal it, I unhesitatingly affirm, that no one can ascertain at the counting for whom he has voted;" you read that when you were reading the other part of Mr. Wylie's letter?—Yes, I did.

8226. Mr. Justice Barry.] I want to ask you a question or two Mr. Finnegan; I want to ask you whether, in order to ascertain how a particular man voted, it would not be necessary that some person who was acquainted with the number on the back of his ticket should be present at the table where the particular voting paper was counted, without reference to the number of papers in the ballot-box at all?—No, my Lord; if the person in the polling booths took down the register number of the party voting, that is all we need do.

8227. In order to ascertain how that particular number voted, should not the person who was at the counting of the votes be acquainted with the number?—He certainly should my Lord; I beg your pardon, he should know how No. 347 had voted we will say.

8228. Precisely; now we will take No. 300?—When the face of the ballot-paper is turned out, he sees how he voted.

8229. Take No. 300 ballot-paper, and suppose the voter votes at Ardglass?—That number being on the back of it.

8230. Yes, and the agent who is determined to carry out this fraud, takes down, or manages to see, No. 300 on the back of his paper?—Quite so.

8231. And knows who the man is?—He sees by the counterfoil upon the face of the paper, or the back.

8232. Then you must see not only the back of the paper that the voter has, but also the counterfoil?—No, my Lord; either will do.

8233. Supposing that the officer sits as he ought to do, supposing he sits in such a position as I am now sitting with the back before him, no person can see what number he writes on the counterfoil?—But, my Lord, the agent in the booth knows the name of the person, and the number on the register.

8234. Therefore it is not necessary that he should see the counterfoil at all?—It is not my Lord, really.

8235. We will assume now the conspirator in the booth has discovered what the number on the back of the man's voting paper is, that is 300?—Yes, 300.

8236. In order to ascertain how that man has voted, must not some person who knows that 300 was the number of the paper, be at the table where that is counted as a vote; I am not speaking of the counting of voting papers?—No, my Lord,

any person might; I may have a small book in my hand at the counting of the votes, and each paper being taken out, I could observe, we will say 300 or 600, it might by chance be, I could not see 300, that it was taken out in such a way, that 300 could not be seen, but 301 may be seen, then all I have to do is, to put 301 C. opposite for Castlereagh, and then compare them after all the counting is over.

8237. Mr. Baron Fitzgerald.] Would it not be necessary that the person at each place should be furnished with the information that the one had acquired?—It is necessary that the person in the booth should supply that list to some person.

8238. Mr. Justice Barry.] To some person?—To some person.

8239. And that the person should be present, or some person again instructed by him, should be present when that particular voting paper is counted at the table?—That person should; it is not necessary that he should be instructed by him.

8240. Some person acquainted with the fact, that No. 300 was the voting paper to be inquired after; should not some person be at the table where that is counted?—There should be, of course, my Lord, some person.

8241. Then that person being instructed that he was to look after No. 300, is also by the negligence of the man counting votes to be permitted to see that 300 was on the back, although the Act of Parliament says, he is to keep the paper with its face downwards?—In practice, in taking the paper out of the boxes, you cannot avoid seeing the number on the back, say 300; we will assume you do see No. 300.

8242. Is not that a gross dereliction of duty on the part of the officer?—It is actually, but it is the practice; I have been in four or five elections, and invariably that is the practice carried out.

8243. That would be at once avoided by the person counting the papers, not counting them in that manner; if the man who is entrusted with the duty of counting the papers turns the box on one side with its mouth open towards him, and if he simply allows no person to stand behind him, nobody can see the number?—He must permit a person to stand behind him, or at his side, or near him; at some place close by him.

8244. Supposing he does, all that the person who sees that operation performed ascertains is, that No. 300 paper is used?—And also how the No. 300 voted.

8245. That is if the officer violates his duty?—He is bound to do it, my Lord; to take the paper out of the box first, and then turn it with its face upwards; they are one upon the top of the other, like Bank of England notes. When he gets out No. 300 he turns it up, and of course the agents of the candidate see that No. 300 voted for Lord Castlereagh.

8246. The whole remedy would be that the officer, not the returning officer, but the officer in charge of the ballot-box, should simply perform his duty, and not allow anybody to see the number he takes out. Under those circumstances the whole thing is remedied?—The returning officer could not do that, my Lord.

8247. Why not?—How could the returning officer, who was not very expert, take out the ballot paper so as to hide the number on the back of the paper?

8248. If

8248. If I have the ballot-box turned towards me with the mouth open, and the agents in front, I take it out so, as you see folded only in two. There is the ballot-box, and I take this out, and I put that down there. How is anybody to see the number on the back of that, unless I let him stand behind. If I let him stand behind of course he will see it?—Of course, that is the way it is practically carried out.

8249. Why do not you mention in one of the letters, that if the presiding officer in taking the paper out of the box, will only take the precaution to allow nobody to stand alongside him, the whole thing is perfectly safe?—I only wrote the one letter. I stated at every place where I referred to it, that, of course, it was impossible to do it without violating the Ballot Act.

8250. Mr. Mevorac.] Have you seen, as a matter of fact, returning officers actually put the papers

out with their backs up?—I have actually. At the last election for this county I had actually to draw Mr. Coulter's attention to it, and bring him from one end of the room to the other to see to this.

8251. Mr. Justice Barry.] It is perfectly clear that if any sworn officer neglects his duty, it could not be made secret?—I only stated, my Lord, it was possible in consequence of this practice, to be able to ascertain how a person voted. It is a very loose practice. I have seen in one county election a basket of ballot papers at the end of the room, where any man present in that room could go and stuff half a basket full into his pockets and take them away altogether, without any man seeing him do it.

[The Witness withdrew.]

Mr. JAMES McLEAN, Junior, sworn; Examined by Mr. Kibbey.

8252. You are a Solicitor?—Yes, I am.

8253. A member of the firm of McClean, Boyle, & McClean?—Yes.

8254. Were you present at one of the polling stations in Holywood on the 7th of April last?—Yes.

8255. As agent for Lord Hill and Lord Casborough?—I was.

8256. Did you observe anything particular soon after the poll opened in the conduct of the persons who were attending there for Mr. Crawford?—I did. I observed an unusual number of personation agents in the booth on the part of Mr. Crawford, and I observed that they changed positions every hour or two hours, leaving the positions they were in near the returning officer, and leaving the booth. This went on for some time, till my attention was particularly directed by one gentleman called Davison, who was near in the booth taking a list of the numbers from the different registers of the agents representing Mr. Crawford.

8257. Do you mean taking them down upon a slip of paper?—Yes.

8258. Mr. Justice Barry.] Do you mean whether 10 persons had voted or six persons?—No; the number on the register who had or had not voted. I placed myself in a position to see what he was doing, and I directed my clerk, Mr. Stewart, the agent on behalf of Lord Hill, to watch the proceeding, which he did. I should say Mr. Coulter was also present, and can testify to the same. Mr. Stewart, after he had completed this list, I asked him what he was going to do with it. I placed myself in a position to see what was going on, close behind Mr. Davison. I then requested him to tear it. He said it was a puzzle. I said, "We do not wish any puzzle of that description." He said it was a puzzle which he was going to take out of the booth. I read him then the 4th section of the Ballot Act, and said, if he had any more puzzles of that description, he would attend to the latter portion of the section.

8259. That "every officer, clerk, or agent in each polling station shall maintain the secrecy of voting at such station" (reading the section)?—Yes; I informed him that it was a criminal offence to communicate in any way the numbers upon the register.

8260. You had before that observed persons

changing their position, going to the booth and coming back?—I had.

8261. Did you subsequently, and shortly after that, hear Mr. Omagh Nelson, who was there on behalf of Mr. Crawford?—Yes.

8262. He is a solicitor?—He is.

8263. Did you hear him say anything to any person there?—I did; I heard him telling—

8264. What did he say?—I heard him say he would be relieved in a few minutes, or 20 minutes; that he would be relieved shortly.

8265. Did you afterwards discover the name of the person to whom he said this?—No; I cannot remember the name of the person to whom he said it.

8266. Did you ask Mr. Omagh Nelson to give you his name?—No; I will explain that. In consequence of hearing Mr. Nelson make the observation to a gentleman that he would be relieved, I paid some particular attention to what was going on, and I think in about half an hour or an hour afterwards I observed a Mr. Robb, who was acting as agent on behalf of Mr. Crawford, leave the booth, and go directly into Major Crawford's tally-room. Major Crawford's tally-rooms were placed in such a position that they were directly opposite the entrance to the booth; in point of fact, in the same building; so that I could observe Mr. Robb go into Major Crawford's tally-room, take up a register, and with a pencil make marks upon the register.

Mr. Porter.] I am told this is in the supplemental list; I can find no such name as Omar Nelson.

8267. Mr. Kibbey.] You say you observed him writing down something?—I observed him taking up the register in the tally-rooms, and marking with a pencil upon the register. I then directed the attention of Mr. Coulter and Mr. Stewart, I believe, to it, and I took a note of the proceeding; I have that note in Court. I asked Mr. Omar Nelson for the name of this gentleman, and pointed him out at the time; he gave me his name as Mr. Robb, and then I served the notice upon Mr. Nelson, the original of which I have in my pocket. Before serving the copy upon Mr. Nelson I produced the original to all the sheriff's officers, and told them what had gone on, and asked them to read the notice, and requested them

B 2

Mr.  
Flanagan.  
—  
24 June  
1885.

Mr.  
McLean.

Mr. *Nelson*, them to be more careful as to their proceedings in future.

24 June  
1880.

8266. Will you read it?—“To Omar Nelson, Esquire. Sir, having received information that the agents appointed at the different booths have communicated to the tally-rooms information received by them in the booths when in discharge of their duty as agents; I hereby caution you against pursuing the system which has been proceeded with up till three o'clock, and I require you to keep safe a document now in your possession, which discloses information on this subject.—Yours obediently, Jas. McLean, jun., agent on behalf of Lord Castlereagh and Hill. April 7th, 1880.” I may tell your Lordships that the document there referred to, the document that Mr. Omar Nelson read from when he directed the agent that he would be relieved in a few minutes, and the document ought to be produced.

8268. Did Mr. Davison afterwards, when you had read that notice of caution, see the persons complained of make a communication to you about that notice?—He spoke to me outside about it; not to say anything about it. I had the notes I took of Mr. Robb's proceeding upon the back of my own appointment, and all the names of the persons present on behalf of Major Crawford in the booth at the time; it is in pencil at the back.

8270. Have you been present at the counting of the votes at any elections?—I have.

8271. Were you present at the counting of the votes in Belfast at the election of 1876?—No; I was present in the election before the last, when Dr. Seeds stood.

8272. Did you observe in what way the ballot papers were counted when they were first taken out of the ballot-boxes for the purpose of ascertaining whether the number of papers in each box corresponded with the Sheriff's statement?—

Mr. *Murphy*.] Have we anything to do with this?

Mr. *Baron Fitzgerald*.] It comes to this, that if people do not do their duty under the Ballot Act the ballot cannot be secret.

Mr. *Kisbey*.] Did you observe whether it is easy to see?—

Mr. *Baron Fitzgerald*.] There is no evidence of that.

Mr. *Kisbey*.] As a matter of fact, in practice there, did you observe whether it was easy to see the numbers on the back of the ballot papers when they were being so counted?—

Mr. *Justice Barry*.] I assume it was.

Mr. *Baron Fitzgerald*.] I do not see what the objection to the question is.

8273. Mr. *Kisbey*.] Just answer it?—The numbers could be seen if the persons acting there chose to violate their oaths.

Mr. *Justice Barry*.] The Witness gives a most intelligent answer, that if the persons chose to violate their oaths the numbers could be seen.

8274. Mr. *Kisbey*.] And you saw persons, as you believe, on this occasion, at Holywood who were not regarding their declaration?—I believe so.

Cross-examined by Mr. *Porter*.

8275. You saw somebody in the box writing down numbers on paper?—I did.

8276. That is all as regards the papers that you saw?—No.

8277. What else?—I saw Major Crawford's agent leave the booth and go direct into his tally-rooms.

8278. Did you go into the tally-rooms?—From the position I was in, owing to the position of Major Crawford's tally-rooms, I could see this gentleman engaged at this operation.

8279. Did you go into Major Crawford's tally-rooms?—I did not; I saw his tally-rooms.

8280. Are those gentlemen attorneys for Mr. Coulter and Davison?—They are not.

8281. You spoke to them and gave them a caution?—I did; and I stated that it was in consequence of agents of that description being employed that irregularities took place, because I believed if professional men had been employed those irregularities would not have taken place.

8282. I perfectly agree with you that, if professional persons were engaged, things would be regular. How many agents were there at Holywood for your party?—James McClean, junior, Mr. Charles H. Ward?—I am not aware that Mr. Charles H. Ward was at Holywood. I did not return his name there; he was not acting as agent.

8283. James Stewart, that is your clerk?—Yes.

8284. John Coulter, John Stock McClean, I suppose he is a brother?—A law student.

8285. J. McConnell, Joseph Marwood, James Alexander, Edwin Hughes, John Harrison, and others. (The learned Counsel read the list of agents.)

Re-examined by Mr. *Kisbey*.

8286. You have given the names of some of Major Crawford's agents?—Mr. Murney, J.P., Mr. Prager, Mr. Gardner, Mr. Anderson, J.P., Mr. Cahoy.

Mr. *Baron Fitzgerald*.] We have had general evidence that the number of personation agents employed on both sides was identical. I understand the evidence of this gentleman is this, that in this particular room on the same day, he saw a larger number of personation agents than there was any necessity for.

Mr. *Kisbey*.] He said he saw them violating their declaration.

Mr. *Murphy*.] He did not say so.

Mr. *Baron Fitzgerald*.] That is another point.

8287. Mr. *Kisbey*.] What became of the paper which was called a parole by Mr. Davison?—Mr. Davison tore the paper up.

8288. Mr. *Justice Barry*.] I understand you to say that you saw Mr. Davison taking down on a paper the numbers on the register of the persons who came in to vote, and he carried out that information?—Yes.

8289. Which I apprehend to be a clear violation of the declaration of secrecy?—Yes.

[The Witness withdrew.

Mr. *Mardonagh* stated he would now go to the case of personation.

The Rev. THOMAS MORGAN, sworn; Examined by Mr. Macdonagh.

8290. I BELIEVE you are on the register as a 29 l. freeholder?—I believe so.

8291. Out of property upon lease for ever which you have?—Yes.

8292. Do you remember on the day of polling coming up to vote?—Yes.

8293. On the 7th of April?—Yes.

8294. Did you demand a ballot paper?—Yes; this was at Warren Point.

8295. You demanded a ballot paper to record your vote?—Yes.

8296. Was your vote received and counted, or tendered and not received?—It was objected to by the officer, who said "Sir, you have voted already to-day."

8297. Had you voted already that day?—I said I had not, and he asked me, was I prepared to swear to that effect, and I said "Yes;" so he tendered me the oath, which I took, and he then handed me a peculiarly coloured paper which I

took into a compartment and marked, brought it back and handed it to the officer, who took charge of it.

8298. Are you aware that that vote was not counted afterwards?—

Mr. Murphy.] He does not know that.

8299. Mr. Macdonagh.] Did you know the person that represented you upon that occasion before you came?—No.

8300. Mr. Baron Fitzgerald.] Do you know what your number upon the register was?—I do not.

Mr. Mearns.] The number is 240, my Lord.

Mr. Murphy stated that he had nothing to ask the witness.

[The Witness withdrew.

ROBERT M'MURLEY, sworn; Examined by Mr. Mearns.

8301. WERE you personation agent on the day of the poll at Warren Point?—Yes.

8302. Do you remember a person calling himself Thomas Morgan coming in and demanding a voting paper?—Yes.

8303. Did you object to him?—I objected to him; I did not object to him at the time, because I knew this Thomas Morgan, I knew him to be Thomas Morgan.

8304. Who is he?—Thomas Morgan living in Drumree.

8305. Is he a freeholder?—I cannot tell.

8306. Do you know who was the Thomas Morgan upon the register, No. 240, freeholder?—I saw by the list that he was.

8307. Who was it?—The Reverend Thomas Morgan. From the time he went in with the ballot paper, till the time he came out, I knew that; I knew the other man to be Thomas Morgan, but I looked at the list and found there was only one Thomas Morgan there.

8308. That was the Reverend Thomas Morgan?—Yes.

8309. Did this man demand a ballot paper?—Yes, he did.

8310. And voted?—And voted.

8311. Mr. Justice Barry.] Did you make any objection to him?—I did before he put the ballot paper into the box, "This is not right."

8312. He had got the ballot paper, and had marked it?—Yes.

8313. Your objection was that he was not the Reverend Thomas Morgan?—Yes, if "Reverend" had been to the name, he should not have got the voting paper, but there was the omission of "Reverend" to the name.

8314. Mr. Mearns.] He voted, at all events?—Yes.

Cross-examined by Mr. Porter.

8315. In the register the name which appears in the list is "Morgan, Thomas, 240." There was no reverend to it?—No.

8316. When the man came in you knew him to be Thomas Morgan, and you assumed it to be 260—Stas. 2.

all right?—Yes, until I found there was not a second Thomas Morgan.

8317. Did you know whether he was on the list before?—I did not.

8318. At any previous time?—No, I heard he had been.

8319. You heard Mr. Macdonagh state so yesterday?—I did not.

8320. Mr. Justice Barry.] Did you know that the Thomas on the list was the Reverend Thomas?—Then and there I found it to be so.

8321. Mr. Porter.] After he got the paper?—Yes.

8322. But you did not at first, knowing him to be Thomas Morgan; you made no objection to the Thomas Morgan?—He said he was Thomas Morgan, and I knew him to be Thomas Morgan.

8323. And you did not know whether he was on the list previously, or not?—

8324. Mr. Baron Fitzgerald.] Did he ask for a ballot paper by his number or not?—I cannot say exactly, but he was asked whether he was Thomas Morgan, and he said, "Yes."

Mr. Macdonagh.] The only Thomas Morgan is "Thomas Morgan, 240, Warren Point, freeholder, 20 l. Piece of abode, Restrevor," and this man did not live in Restrevor.

Mr. Murphy.] We admit that the name upon the register was the Reverend Thomas Morgan.

8325. Mr. Justice Barry.] Where did Thomas Morgan live?—Drumree.

8326. How far is that from Restrevor?—Half-a-mile, it may be.

Mr. Mearns.] It is not a case of felony; it is a case in which one vote is to be given for no, and one vote struck off for them.

8327. Mr. Justice Barry.] We held in the Athlone case that if you put forward a case of personation, and it is a case in which the man had *vide* votes believing that he is the man that does

Rev. T. Morgan.  
—  
24 June  
1890.

R. M'Murley.  
—

R.  
M'Murley.  
14 June  
1880.

does not come under the head of personation. (To the Witness.) Did he hear you object that he was not the Reverend Thomas?—I do not know, indeed; I daresay he did. He is a very old man; he is a man about 80.

Mr. Murphy.] He did not pretend to be the Reverend Thomas Morgan.

Mr. Baron Fitzgerald.] He pretended to be 240; that is the real question to be settled, I think.

Mr. Murphy.] It is admitted, after the

evidence of the Reverend Thomas Morgan, that there was no other Thomas Morgan, and that the man had no right to vote.

Mr. Monroe.] After what my learned friends have said, we have the Clerk of the Peace's register, in which the name is struck off.

Mr. Baron Fitzgerald.] You had better prove that the number of Thomas Morgan is 240 upon the register.

[The Witness withdrew.]

ROBERT McILWAIN, sworn; Examined by Mr. Macdonagh.

R.  
McIlwain.

8338. Do you produce the original register and supplemental list of the register initiated by the Chairman of this county?—I do.

8339. Do you see the name of "Thomas Morgan, of Drumree, rated occupier"?—Yes, it is in the list.

8340. Has he been struck off?—He was struck off at the Revision Sessions for this district; he was struck off by the Revising Barrister last year.

8341. He was a rated occupier of Drumree?—The residence is Drumree, and the qualification Drumree.

8342. Mr. Justice Barry.] Rated occupier?—Yes.

8343. What number?—No. 281 upon the list.

8344. Mr. Macdonagh.] He was not Thomas Morgan, of Rostrevor, freeholder?—No.

8345. Do the grounds appear why he was struck off?—No; he was objected to by the Clerk of the Union. This gives nothing more than the objection.

8346. You cannot say whether the man was present when he was struck off?—I cannot.

Cross-examined by Mr. Murphy.

8347. You knew nothing about it, except that

the man's name was struck off?—I know nothing about it, except that the list says he was struck off.

8348. Who is No. 240?—That is another name of Francis Murphy.

8349. The striking off of names altered the numbers?—Yes; the numbers on the register printed from this would be altered on account of new names inserted and old names left out.

Mr. Macdonagh.] This man in no way could have voted.

Mr. Porter.] That we have conceded.

[The Witness withdrew.]

Mr. Monroe.] On the register of 1879 we have two names; Thomas Murphy, of Rostrevor, freeholder, 20 L; that is No. 226; and then we have Thomas Morgan, No. 281, of Drumree, rated occupier; and the name of Thomas Morgan, of Drumree, is struck off.

Mr. Baron Fitzgerald.] The only important fact is that which is admitted, that the name in which he voted was the name under 240.

JOSEPH L. DAVISON, sworn; Examined by Mr. Kibbey.

J. L.  
Davison.

8340. Did you serve a subpoena to attend upon these proceedings upon Thomas Morgan, of Drumree?—I did.

8341. When did you serve it?—I marked the original.

8342. At the time of the service did you give him notice?—I gave him 7 s. 6 d. to come here.

8343. Some days ago?—Saturday, 19th.

8344. And you showed him the original subpoena?—Yes.

Cross-examined by Mr. Murphy.

8345. Did you tell him what to do with the 7 s. 6 d.; stay at home?—No; he wanted to send his son, and I told him he must come himself.

Mr. Baron Fitzgerald.] The truth is, Mr. Murphy, you have no excuse to suggest, as far as the evidence has gone; I do not say you are bound to do it as to the man himself.

[The Witness withdrew.]

WILLIAM CANNON, sworn; Examined by Mr. Monroe.

W.  
Cannon.

8346. Were you acting in any way in the last election?—Yes.

8347. Where were you acting?—In Gifford, as personation agent.

8348. Personation agent for whom?—Major Crawford.

8349. Were you acting in any other capacity but as personation agent?—I was doing some writing for him occasionally.

8350. Was it about the election?—Yes.

8351. How long had you been doing the writing?—Two weeks, I suppose.

8352. Were you the secretary?—I was the secretary.

8353. The secretary of what?—I was secretary to Mr. Crawford.

8354. Was it secretary to the committee?—Yes.

8355. Had you a chairman?—Yes; Mr. George Smith, of Bambridge, was chairman.

8356. Who

8356. Who was it collected the money?—Mr. George Smith, of Bambridge; Mr. Ben Dickson, of Gifford; and myself.

8357. Where did you bank it?—We met one evening in Mr. McBride's, and Mr. Smith came down, and he gave us the money there; he gave some to Mr. McConnell, of Gifford, and some to me, and I paid some, and Mr. McConnell paid some too.

8358. Were you and Mr. McConnell the men who got the money?—Yes.

8359. Did you get it all?—Yes, I think so.

8360. Have you any record of what you got?—No, I have not.

8361. Or any record of what you paid?—Yes, I think I have.

8362. Let me see it.

Mr. Porter asked under what head this evidence was being given.

Mr. Monroe stated that he asked the question of Mr. Brett of a number of agents where the names were not given in the accounts.

8363. Mr. Monroe (To the Witness.) You have a list of all the money you paid out?—Yes.

8364. Is that a correct list of it (handing a paper to the Witness)?—Yes, quite correct.

8365. Who is Thomas McGiverigan?—I do not know whether he is Jew or Gentile.

8366. You never tried him with pork?—No, never.

8367. I see he is put down here for 1 l.; when did you give him that?—That 1 l. was given to Mr. McConnell. We found out that he had a vote, and the committee asked Mr. McConnell to write to him in England and asked him to come and plump for Major George Crawford, and he did so, and he wrote back again to say he would come if his expenses were all paid.

8368. And plump for the Major?—Yes, exactly.

8369. There was a pound sent to him?—Mr. McConnell, one evening in Dr. McBride's, received money to pay accounts; he received 1 l. for Thomas McGiverigan, in England; 2 l. for James Chambers, of Belfast; 6 s. for William Craig, of Gifford, and he paid it all himself.

8370. James Chambers of where?—He is now living in Belfast.

8371. Who was the 8 s. gentleman?—William Craig; he served some circulars one day.

8372. Had he also written to Chambers, of Belfast, to plump for the Major?—No, he had no vote at all.

8373. Is Craig a voter?—No, he is not.

8374. And McGiverigan, did he come?—Yes.

8375. And voted?—Yes.

8376. And got his 1 l.?—I think so.

8377. May be he got more?—I am not quite sure.

8378. Search your memory?—No, that is all the money he got.

8379. Come?—Upon my solemn oath, that is all he got.

8380. Do you know that he got 3 l.?—No, I do not.

8381. Were you present when he was paid?—No.

8382. Who paid him?—Mr. McConnell.

8383. Is not this your list?—Yes; but Mr. McConnell got the 1 l.

280.—Sess. 2.

8384. Were you there when Mr. McConnell got the money?—Yes, I was.

8385. You swore you were; were you there when Mr. McConnell got 1 l. and paid it away?—No.

8386. Did you ever tell any person that you had got 3 l. upon your oath; come now?—Well, I will explain it to you.

8387. You will answer me first?—No, I will not.

8388. I will try you on. Upon your solemn oath, did you ever tell any person that McGiverigan had got 3 l.?—I told a person he was to get 3 l.

8389. Was it true?—No, it is false.

8390. You told a lie?—No, I did not.

8391. Was it true?—No. I told him he was to get 3 l., but he did not get 3 l. Thomas McGiverigan wrote to McConnell to say he would come if he got 3 l., and I put down upon my book that he was to get 3 l. Afterwards, I was informed that Thomas McGiverigan came on and was paid by the other party for coming, and when we found it out we would only give him a pound.

8392. But you gave him a pound, at all events?—Yes.

8393. And you promised him 3 l. to come over and vote for the Major?—No, we did not promise that.

8394. Did you ask him to come and plump for the Major?—Mr. McConnell did.

8395. And did he ask for the 3 l.?—I do not know.

8396. You do?—I was not there.

8397. Did not you say he asked for 3 l. on condition for his coming to plump for the Major?—Yes, he asked for the 3 l.

8398. And he would come and plump for the Major?—I believe Mr. McConnell wrote to the man, and he said he would not give 3 l.

8399. How much did he say he would give?—£1.

8400. Only 1 l.?—Yes.

8401. Mr. Justice Barry.] Why did you put him down in your book for 3 l. when Mr. McConnell wrote to say he would only give him 1 l.?—Because we thought first that he would come and vote for Mr. Crawford.

8402. Then you wrote him down for 3 l.?—He wrote to us first that he would come and vote for Mr. Crawford, and his expenses he said would be about 3 l.

8403. And you put him down for 3 l.?—Yes; afterwards I heard that he came and voted for the other party, and when I found it out, I put out the 3 l., and put down 1 l.

8404. Mr. Monroe.] Show me the book where you put him down for 3 l.?—I cannot show it.

8405. Where is it?—I do not know where it is.

8406. What is it you have there?—This is my book; an old book that I kept; I put that other down on some paper, and you see McGiverigan's name down for 1 l.

8407. I want to see where you marked down that 3 l.?—I cannot show it you.

8408. Why did you destroy it?—I do not know where it is.

8409. Where did you see it last?—I put it down in one of the rooms.

8410. You need not throw dust in our eyes, you see you cannot do that; where is that other book

W.  
Chambers.  
—  
24 June  
1880.

W.  
Cannan,  
24 June  
1880.

book in which you put down the name of Thomas M'Giverigan for 3 l., upon your solemn oath?—I put it down upon a piece of paper, of expenses first.

8411. By itself?—There were seven or eight names there.

8412. Seven or eight names?—Yes.

8413. Of persons who were to get money?—Exactly.

8414. Was Thomas M'Giverigan's the highest, or were there higher sums to be given to others?—There were larger sums to be given to others.

8415. Where were they arriving from?—Some car service, and other things.

8416. Let the case alone; it is not about cars I am asking you at all, it is about other people who were to get money besides Thomas M'Giverigan; who else?—James Chambers got 2 l. for persuasion services and the serving of some circulars.

8417. Is James Chambers in that?—Yes.

8418. Show it me?—There it is (*handing a document to the learned Counsel*).

8419. When did you transfer James Chambers from the piece of paper into this book?—I suppose a fortnight.

8420. A fortnight ago?—I could not say.

8421. Upon your oath do you say you transferred to this book a fortnight ago?—No, I do not.

8422. Was it a fortnight ago?—No, at the time of the election.

8423. What do you mean by the time of the election?—The time about the voting.

8424. The day of the poll?—Sometime about that, I cannot give the exact day; I put it first down upon this piece of paper; the names that were to be paid, I put them down first.

8425. Now tell me the other names?—About that time I entered the post office and got a book.

8426. Do you swear that James Chambers, whose name is here, is not a voter; do not you know that he is?—No, he is not.

8427. Do you swear that; where does he live?—In Belfast.

8428. Where did he live before?—In Gilford.

8429. How long has he lived in Belfast?—I cannot say how long.

8430. Do you know any other James Chambers, except himself?—No.

8431. Is there a James Chambers, to your knowledge a brother?—Yes, I think there is.

8432. You do not know any other James Chambers but this man?—No.

8433. What townland in Gilford did he live in before he went to Belfast?—Ballynaderick.

8434. How long has he left it?—He formerly was living with Mr. M'Connell, in Gilford, as shop-boy, and he left Gilford, and now is in Belfast.

8435. Where is Thomas Derry?—He is living in Belfast.

8436. He is a voter?—Yes.

8437. Did you write to him to come up?—I wrote to Mr. Brett, giving three or four names, telling him there were three or four parties in Belfast who had votes, and asking him to go round and see them, and ask them to come and vote on the polling-day; and he went round and asked him to come and vote.

8438. Where does he live in Belfast?—I just cannot say the name of the street.

8439. Did you write to him yourself?—I think I did.

8440. To come up and vote for the Major?—Exactly.

8441. Did you get a reply from him that he would?—No, I did not.

8442. Did you pay him anything?—Yes, 7 s.

8443. When did you pay him the 7 s.?—About three weeks or a month ago.

8444. A long time to keep a poor man out of his money?—Not too long.

8445. What is he?—A baker, I believe.

8446. Did he ask for the 7 s., or did you just send it him?—Mr. Brett gave him a voucher to come to Gilford to pay his fare, and Mr. Day wrote to me to say he missed his journey, and did not give his voucher, and he enclosed the voucher to me taking for the 7 s. expenses, and I sent the voucher back to Mr. Brett, and I sent him 7 s. in stamps.

8447. You knew his address where you wrote to?—Yes.

8448. You did not write to Belfast generally?—No.

8449. Show me his address in this?—It is not in that.

8450. Now upon your oath, did you send a post office order to this man M'Giverigan in England?—I never did.

8451. Did you say you did?—I never did.

8452. Or know of it being done?—No.

8453. Or any other sum?—Or any other sum; that is the only money he got from me to pay his fare; that is 1 l. from me rather.

Cross-examined by Mr. Murphy.

8454. Who is M'Connell, to whom you gave the money?—He is a gentleman living in Gilford.

8455. Did you give the 1 l. to M'Giverigan?—No, Mr. M'Connell.

8456. Mr. Justice Barry.] Do you know whether M'Giverigan got the 1 l. or not?—I do not.

Mr. Mease.] He is returned in the expense account.

8457. Mr. Baron Fitzgerald.] How did that come into your account if Mr. M'Connell gave it?—Mr. John Smith of Banbridge, and Mr. Dixon went out and got some money, and met one evening in Gilford at Dr. M'Beido's, and Mr. M'Connell was there, and so was I.

8458. And he gave some to you and some to Mr. M'Connell?—Yes.

8459. How did this money come into your account, and not in M'Connell's, if M'Connell paid it?—I put down in my book 1 l. for M'Giverigan.

8460. Mr. Murphy.] Did you keep an account of all the money that Smith gave you?—Yes.

8461. All the money given to you and Mr. M'Connell?—Yes.

8462. Have you seen at all any letter that M'Connell wrote to M'Giverigan yourself?—No.

8463. You saw no letter that passed between them?—No.

Re-examined



Re-examined by Mr. Moore.

8464. I suppose you would not have included the 1*l*. in that, if it had not been paid?—No.

8465. I suppose McConnell told you he had paid that 1*l*?—Yes.

8466. I suppose when you wrote to Derry, you told him his expenses would be paid; did you write to Derry?—I wrote to him asking him to come to vote.

8467. Did you give the money to Derry himself?—I sent it in postage stamps.

Mr. Murphy.] He had sent a voucher which was of no use to him.

THOMAS McBRIDE, sworn; Examined by Mr. Meadows.

8472. You are a voter of this county?—Yes.

8473. And you voted at this last election?—Yes.

8474. Did you receive the sum of 10*s*.?—I did.

8475. Did you give a receipt for it to Mr. Mulligan?—Yes.

8476. You knew Mr. Mulligan was agent at the election?—I was not sure; I thought so.

8477. He was busy at the election?—Yes.

8478. Was not he personally agent for Mr. Crawford?—I could not say that.

8479. You knew he was an agent for Major Crawford?—I knew he took a part in his affairs.

8480. Upon that side?—Yes.

8481. What are you; what is your position in life?—I have a small farm at Banbridge.

8482. Have you any situation?—I am in the Great Northern Railway at Belfast.

8483. As a goods' porter?—Yes.

8484. I suppose that the servants of the company travel free?—No, they do not; you must pay your fare.

8485. Mr. Meadows.] The number is 513 upon the register. (To the Witness.) What is Mr. Mulligan from whom you got the money?

—Mr. Mulligan is a landowner, and was in a good position, and Mr. Lindsay of Ballydoon.

8486. What is his establishment?—A bleaching one.

8487. Mr. Mulligan is the partner, is he?—I do not know that he is a partner.

8488. Or Manager?—He is in a good position in that.

8489. How was it you got the 10*s*.; from whose hand?—I did not get it from anyone, as far as that goes. It was left at my house for me.

8490. Or your wife?—Yes.

8491. And you, having got the money?—Acknowledged the receipt.

8492. To Mr. Mulligan?—Yes.

8493. Who asked you to come and vote?—They knew I had a vote in 1878.

8494. And you did vote in 1878?—I did.

8495. What did they give you in 1878?—I got nothing at all. I was living at home at that time, near to Banbridge. Then they asked my travelling expenses from Belfast and back.

8496. And then they promised to give you your travelling expenses?—No; I got it after the election.

8497. Did they not promise it if you came and voted?—They promised nothing except the train expenses.

260—Sess. 2.

8468. Mr. Moore.] You wrote to Derry before he came up to vote?—Yes.

8469. And told him his expenses would be paid?—Exactly.

8470. If he came up and voted?—Yes.

8471. What is the return fare?—Seven shillings, I think.

Mr. Porter.] Derry's name is not in the list.

Mr. Kibbey.] We only found out this case of Derry this moment. We will ask your Lordships to add this to the list.

[The Witness withdrew.

8498. They promised the train expenses if you came and voted; is not that the fact and truth?—Yes.

8499. What did you pay by the train?—I came first-class.

8500. How much did you give?—I do not exactly remember now what it was.

8501. What put it into your head to travel first-class; did you get a return ticket?—I did not.

8502. You did not get a return ticket?—No.

8503. Were you determined to spend the whole of the money?—I would not intend to go back that night.

8504. Why did you travel first-class?—There was other parties with me that was coming in that way; and I thought I would not be exempt from them.

8505. Some other voters were coming?—Yes.

8506. And you still travelled first class?—Yes.

8507. Did they tell you when they said they would pay your travelling expenses, if you came and voted, when they would give the money?—They did not.

8508. Who fixed the 10*s*.?—I applied for the 10*s*. on the day of election, after I voted, not before.

8509. To whom did you apply?—Mr. Mulligan.

8510. Where was Mr. Mulligan when you applied to him?—At the court-house.

8511. Did you see him busy about the voters?—I seen him about, talking to his neighbours.

8512. And having his friends and voters with him?—There was no one with him where I saw him.

8513. I thought you said he had his friends about him?—They were walking about.

8514. You applied to him for the money?—Yes.

8515. Did he say when he would send it?—He did not.

8516. What did he say?—He said it was all right, that I would get it.

8517. And really you did get it?—I did.

8518. Was it in the month of April; the receipt would show?—I expect it was in the month of April.

Mr. Meadows.] Can you give us the receipt, Mr. Brett?

Mr. Brett.] I have not got it.

[The Witness withdrew.

Mr. JAMES MULLIGAN, called; Examined by Mr. Macdonagh.

Mr. J. Mulligan. 8519. Will you produce that document, the receipt under your *voce* taken?—I have no receipt.  
24 June 1880. 8520. The receipt the man swore he gave you?—I have it not.  
8521. Where is it?—At Ballydoon, that is

the office I work in. I was subpoenaed in court on Saturday Morning. I have no documents. If you pay my expenses to Banbridge, I will produce them.

[The Witness withdrew.]

THOMAS M'BRIDE, re-called; Cross-Examined by Mr. Porter.

T. M'Brade. 8522. Do you know William Leggett?—Yes.  
8523. Was he coming up to Belfast for the Hill and Castlereagh people?—I do not know for whom.  
8524. Was he going first-class?—He went first, second, and third.  
8525. But not in the same train?—Yes, in the same train.  
8526. He went out and in?—He did.  
8527. Did you come up along with him?—Yes.  
8528. Did you say what your travelling expenses were?—I did not, to my knowledge.  
8529. Did you speak to Mr. Mulligan about your travelling expenses?—I said to Mr. Mulligan that I wanted my travelling expenses.  
8530. What did he say?—Ten shillings.  
8531. Did you tell him it was the fare?—I reckoned it the fare.

8532. Why did you go to Mr. Mulligan?—The reason was that I knew that he would give it me.

Re-Examined by Mr. Macdonagh.

8533. Did you not know he was an agent for Mr. Crawford?—I was not exactly sure that he was an agent.

8534. Was not he engaged for Mr. Crawford?—He was engaged, but I do not know which side he was.

[The Witness withdrew.]

Mr. Macdonagh stated that in the list that the Sheriff of Banbridge referred to, the added list, James Mulligan's name appeared.

JOHN CLASSEN, sworn; Examined by Mr. Monroe.

J. Classen. 8535. What position in life are you in?—A stonemason.  
8536. Did you happen to be in Newtownards the day of the polling at the last election?—Yes.  
8537. Did you know Blakeley Macartney?—Yes.  
8538. He is the Petitioner in this case?—I believe so.  
8539. Did you see him in Newtownards?—Yes.  
8540. Were you speaking to him?—Yes.  
8541. Did he say anything to you about his vote?—He did not say anything to me about his vote. I was present when he said to two other men, John Pettigrew and another man.  
8542. What did he say?—He said he would give his vote to whoever paid him best for it.  
8543. After that statement, do you recollect going over with him to the Liberal tally-rooms?—I remember going down the street with him.  
8544. Did you go with him to the Liberal tally-rooms?—No; I spoke to the man on the street, outside the tally-rooms.  
8545. Who did you speak to?—I am not sure; I think it was James John McDowell, of Grand Shire, and Lemont, of Grand Shire.  
8546. While speaking to these men, did you see one of the Mr. Andrews there?—Yes.  
8547. Was it John or Thomas Andrews?—John.  
8548. What did he say?—He came forward and he said, we heard tell of that man before, but we will have nothing to do with him.

8549. Where did Blakeley Macartney go when he was unsuccessful?—He went down to the next party.

8550. Who did the Petitioner see; the next party?—It was me spoke; I could not tell you the man we spoke to there, but it was some person I knew.

8551. Did he fare any better there?—No, they would have nothing to do with him.

8552. Did you see Blakeley Macartney in the course of the same evening about Newtownards?—No, I did not.

8553. You did not see him after that?—No.

Cross-Examined by Mr. Murphy.

8554. You and Blakeley Macartney appeared to be going about Newtownards that day together?—We went only what I tell you.

8555. Where did you meet him first?—Him and John Pettigrew were coming up when Blakeley was on the other side of the street and he came across with Pettigrew.

8556. How was the conversation opened; did you ask him who he was going to vote for?—No; I had no vote; I have no business with voting.

8557. Did John Pettigrew ask how he would vote?—The conversation was between them.

8558. What did Pettigrew say to him?—I cannot tell you that; I was not paying any attention.

8559. You could not hear what occurred that brought about the conversation?—I may have heard

heard it, but it went out of my mind; I was not interested in it.

8560. And in the presence of Hugh Pettigrew and his son, he said he would give his vote to whoever paid him best?—Yes, he did.

8561. Did Pettigrew tell you who he was going to vote for?—Pettigrew told me he had voted for Lord Castlereagh.

8562. That he had voted at this time?—He had.

8563. Do you know whether Blakeley had voted at that time or not?—I think he had not, from what he said.

8564. Did you know whether he had or not?—No.

8565. After that, you heard him speaking to some two others, McDowell and some other man?—I spoke to them.

8566. Did Macartney speak to them at all?—He did not.

8567. Was Macartney present when you were speaking to McDowell?—He was standing beside me.

8568. What did you say about Macartney?—I said "Here was Blakeley Macartney, and he has a vote; could you do anything with him?" I wanted him to get the highest price he could get.

8569. You wanted to put him up to auction? I told him what he said.

8570. Did not you want to put him up to auction, and get something for coming? You wanted to get something out of Blakeley?—Not a farthing.

8571. Was Blakeley drunk at the time?—I would not swear the man to be drunk.

8572. But he was just that way (*describing*)?—Yes.

8573. How were you yourself? Were you the other way?—I was not the other way, but I was not drunk.

8574. You were just on the defensive, noting?—I was just sober.

8575. But just on the edge?—Not a bit of the edge.

8576. Do you mean to say you had taken no drink?—I would take drink.

8577. You would have taken it then? Had you drink taken at that time?—Yes; I had drunk two half-glasses of whisky.

8578. Two halves of whisky?—Yes.

8579. Were you drinking the whisky while they were mixing the grog that you took after that?—I do not know what you mean.

8580. Did not you take grog afterwards?—I took the whisky and mixed it myself.

8581. How much porter did you drink?—No porter.

8582. Who were you in company with when you were drinking the two halves?—In company with Blakeley Macartney.

8583. Did Blakeley drink two halves with you?—He did.

8584. And he drank some more?—Not in my presence.

8585. Was that the only time you were drinking with him in the day?—That was the only time.

8586. Was Pettigrew with you?—Yes.

8587. And his son?—Yes.

8588. And you all had drink together?—Yes.

8589. Did you, then, go out to see what you could make out of Blakeley Macartney's vote?—Yes.

8590. And you referred him to McDowell?—I did; I told McDowell what Blakeley Macartney said.

8591. Were not you offering him to McDowell?—If he chose to take him.

8592. And you believed you might have a drink over the proceeds in the evening?—I wanted no drink.

8593. What public-house was it you took the drink in?—A man called Sloan's.

8594. How long were you knocking about the street after that?—I was not knocking about the streets very long; I had some business of my own to do.

8595. When had Pettigrew voted?—Before.

8596. How did you know he had voted?—He had told me he had voted.

8597. At what hour of the day was it that you were speaking to McDowell, and presenting this half-drunken man to him?—It might be two o'clock, or a little after.

8598. When did you meet Blakeley Macartney first that day?—We met him in the street.

8599. At what hour?—I could not tell, for we were in a public-house, and I heard men saying it was half-past one, and we did not stop long after.

8600. At what hour had you gone in there?—We had been in 15 minutes or so.

8601. Who paid for the drink there?—Blakeley Macartney paid two halves and I paid for two half-glasses.

8602. Who paid for Pettigrew?—No one paid, and no one bought any.

8603. Did not Pettigrew drink anything?—Yes, but we bought it.

8604. Did you pay for Pettigrew?—I paid and Blakeley Macartney too.

8605. After a time, you were both very dry, when you came out again?—No; not dry at all.

8606. And at two o'clock you walked about the street and got no more?—Yes.

8607. You had no vote?—No.

Re-examined by Mr. Meeson.

8608. Are you surprised to know that Blakeley Macartney, whom my learned friend is ridiculing, is his own client, who has come here for the participation of the county?—No.

[The Witness withdrew.]

DAVID JAMIESON, sworn; Examined by Mr. Macdonagh.

8609. Do you know Blakeley Macartney, the Petitioner?—Yes.

8610. Do you remember, on the day of polling, having seen him in the street?—Yes.

8611. Did he say anything to you in reference to his vote and selling it?—He did.

260—Sess. 2.

8612. What did he say; tell their Lordships?—He told me he would sell his vote for as much as would carry him into Belfast.

8613. At about what hour of the day was it; was it about three?—I think it was more about half-past three.

C

8614. Do

J. Clouse.  
24 June  
1860.

D. Jamieson.

- D. Jervison.* 8614. Do you know where this man had lived?  
—In Belfast.  
24 June 8615. No, in Ballina?—Yes.  
1880. 8616. Did you know of his having lived in that place?—Yes.  
8617. When did he leave it?—I could not say that.  
8618. How many months ago, on or about?—I could not say.  
8619. But you knew he had not been living there some time?—No.  
8620. Was not he living there at the time of the election?—No, he was not.  
8621. Had he parted with his interest in the place?—He had.  
8622. Do you know that he had parted with his interest in the place?—  
Mr. Baron Fitzgerald.] Is the whole of this to the character of the Petitioner, because you have not proved any bribery.  
8623. Mr. McDonogh.] We have only proved

the offer. (To the Witness.) Do you know that he had parted with his interest?—

Mr. Porter objected to the question.

8624. Mr. McDonogh.] Did he tell you he had parted with his interest in the place?—No, he did not tell me that.

8625. Did you know it of your own knowledge?—

Mr. Justice Barry.] How could he know it? If it is material, you must prove it.

Cross-examined by Mr. Porter.

8626. That was the day of polling, at half-past three, in the streets of Newtownards?—Yes.

8627. He was trying to make out whether there was anything going for votes?—I cannot say.

8628. To see how they were going for Hill and Castleburgh?—I cannot say that.

[The Witness withdrew.]

DAVID McMASTER, sworn; Examined by Mr. Kiley.

- D. McMaster.* 8629. Do you know Blakeley Macartney?—Yes.  
8630. You knew him before the polling at the present election?—Yes.  
8631. Were you in Newtownards on the day of polling?—Yes.  
8632. Had he a man named Cameron with him upon the street?—Yes.  
8633. Did you see Alexander Cameron coming across the street from Macartney, and speaking to you?—No; I was standing on the footpath, and he came round behind me.  
8634. Did you see Macartney there at the time?—Not at that time.

8635. How soon did you see him there?—He spoke to me.

8636. Cameron did?—Yes.

8637. Immediately after speaking to you, did you see them go over to Blakeley Macartney?—After we had the conversation, I went over to him.

8638. What did Cameron say to him?—

Mr. Murphy objected to the question.

[The Witness withdrew.]

BLAKELEY MACARTNEY, being called, Mr. Murphy stated that Mr. Brett had just received a telegram stating that Blakeley Macartney was ill, and could not appear.

LEONARD CALVERT, sworn; Examined by Mr. Monroe.

- L. Calvert.* 8639. Were you persuasion agent at the election?—Yes.  
8640. Where were you stationed?—In Newtownards.  
8641. Do you know Blakeley Macartney?—Yes.  
8642. Do you remember his coming in to record his vote?—He did not come into the booth; I was in No. 3, from M. to Z, and I expected

he would vote in my booth, and I told the people to tell me if he went up-stairs, and they told me he had gone up-stairs.

8643. When was that?—He was going up at a quarter to five.

8644. Do you know whether he voted?—He went up-stairs, and I heard afterwards he voted.

[The Witness withdrew.]

JOHN GABBY, sworn; Examined by Mr. Kiley.

- J. Gabby.* 8645. ARE you a voter for County Down?—Yes.  
8646. Did you vote at the last election?—Yes.  
8647. Were you canvassed on behalf of Major Crawford by any person?—There were some papers came to me.  
8648. I ask, did any people come to you to canvass you?—No.

8649. Do you know William Bury?—Yes.

8650. Did he ask you to vote for Major Crawford?—No.

8651. Who is William Bury, where does he live?—In Rignell.

8652. What is he, is he a farmer or gentleman?—A farmer.

8653. Is he a large farmer?—Well, he is.

8654. Do you know whether he was acting for

for Major Crawford at the last election?—I suppose he was.

8655. Where you at any committees yourself?—No.

8656. Did he tell you he was acting for Major Crawford?—No, I never saw Mr. Bury the whole time doing as at the election.

8657. You never saw him before the election?—No.

8658. How far does he live from you?—About a mile.

8659. Did you get a present of a bag of oats from anyone shortly before the election?—No, I got no present.

8660. Did you get a bag of oats from anyone?—I got none.

8661. Did you get a bag of oats from Bury?—I got none.

8662. What did you get?—I got nothing.

8663. Nothing at all?—No presents.

8664. Did you tell anyone that you did; come, now, upon your oath?—Sir?

8665. Did you tell anyone you had got a present?—No.

8666. After?—No.

8667. After deliberately thinking, you answer it; why did you pause a moment ago; did you, on your oath, tell anyone that you had got a present of a bag of oats from Bury, when he canvassed you for Major Crawford?—No, I never told anybody that I got a bag of oats, for I never got nothing.

8668. And you never told any one you did?—No.

8669. And you swear you did not get any present?—No present.

8670. And that no one canvassed you for Major Crawford?—No one, except—

8671. Who was that?—I suppose it was Mr. Bury that canvassed me.

8672. Did you swear, within the last few minutes, that you had not seen Bury at all previous to the election or about it?—I did not see him or speak to him.

8673. How do you reconcile that with saying he canvassed you?—I got papers. I do not know who sent them.

8674. Did you answer me a moment ago, when I asked who canvassed you for Major Crawford, that you supposed it was Bury. Perhaps you bought the oats?—I never got no oats.

8675. What did you buy?—I never bought nothing.

8676. Is that as true as all the rest. Perhaps it was coals you got?—I never got no coals.

8677. And never burnt any in your life?—We do burn coals.

8678. Did you get any coals just before the election?—Coals?

8679. Coals?—No.

8680. Were any coals left at your place?—No coals.

8681. Potatoes. Let us try about the potatoes?—No potatoes.

8682. What was it? Tell like a man; out with it. I am making bad guesses; come now; I give it up; tell us what it was?—I bought a cow from him.

8683. From Bury?—Yes.

8684. When did you buy it?—I disremember the time.

8685. How long before the election?—It was my misis who asked the promise of the cow.

280—Sess. 2.

8686. Your misis had a promise of the cow before the election?—Yes.

8687. When did you get the cow home?—I suppose it was six weeks after the election.

8688. Your misis got the promise of the cow before the election. What did you give for it?—£. 11. 10s.

8689. Did you pay for it?—No.

8690. Not a penny?—No, but I have to pay.

8691. It is now the month of June, and late in the month, and you have not paid for it yet?—Not yet.

8692. Did you ever get a cow before from Bury without paying for it?—No, never.

8693. Nor any other human being?—No, nor any other man.

8694. A good milch cow?—I could not get any one without paying for it.

8695. It is only at election times you got them in this way?—I never got no presents.

8696. On your oath, did not you know the circular came from Mr. Bury?—I could not be sure.

8697. Was his name to them?—I could not be sure.

8698. Was his name to them?—Indeed I cannot say; I never looked at them.

8699. Why did you tell me, a few minutes ago, you supposed they came from Bury; did not you know he was acting for Major Crawford?—I suppose he was.

8700. Do not you know it, when you say you suppose the papers came from him, on your oath?—Yes, they came from him, I suppose.

8701. Of course you gave your promise to vote for him?—I never promised to vote for him in my life.

8702. I will not ask how you voted, at present. Did you give a promissory note to Bury for a cow?—Yes.

8703. For 11 £. 10s.—Yes.

8704. "I promise to pay 11 £. 10s."?—Yes.

8705. And you have not paid it?—No.

8706. Or being called upon?—Not yet.

8707. Do you ever expect to be?—Yes.

8708. When?—The 1st of November, the 2nd or 3rd of November.

8709. Did the promissory note contain the 2nd or 3rd of November upon it?—Yes.

8710. When did he get it?—At the time I got the cow.

8711. Was it after this petition was filed that you gave the promissory note this year, on your oath? Was it after you heard you were scheduled as receiving a bribe from Bury that you gave the promissory note?—When I got the cow, I gave the promissory note for the cow.

8712. Did you give the promissory note the same day for the cow?—No; I took away the cow a day after.

8713. You gave the promissory note first?—Yes.

8714. Did you know that your name was put in the schedule as having received a bribe from Bury, did you?—No.

8715. Did you never hear it? Do you mean to say that Mr. Brett or Mr. Wyke did not tell you and ask you all about it?—No.

8716. Nor no one in your neighbourhood? Has any one been speaking to you upon the subject?—No; no one.

8717. Was any one speaking about your name being in the schedule?—Not that I remember.

c o 2

8718. Do

J. Gaily.

24 June  
1880.

J. Gabbey.  
—  
24 June  
1880.

8718. Do you mean to tell their Lordships that you never heard of your name being scheduled along with Berry until you came here to-day?—No, about no presents.

8719. About being bribed?—No.

8720. Was anyone speaking to you since you came to the court about whatever evidence you ought to give?—No.

8721. Have you been speaking to Mr. William Berry lately?—No, not lately.

8722. When did you speak to him last?—Last night.

8723. Were you speaking about this case?—No.

8724. Were you speaking about the cow?—No.

8725. Did he ask you how she was getting on?—No.

8726. What were you speaking about?—Nothing particular concerning that.

8727. And nothing particular about this election petition?—No.

8728. Nor about the evidence you and he were to give?—No.

8729. What is the date of the promissory note?—I think the 2nd of the date when it was given.

8730. The 2nd of what, now?—I disremember.

8731. You disremember; you swear that the date was in 12? the 2nd of what month; you were

saying the 2nd a moment ago; was it the 2nd of June?—No, sir, I think not.

8732. The 2nd of May?—I think it was about May.

8733. The cow was promised to your misde before the election?—Yes.

8734. Did you give a promissory note on the 2nd of May?—Yes.

8735. Did you say you did not get the cow till six weeks after the election; the election was on the 2nd of April?—It might be nearly that.

8736. So that you gave a promissory note on the 2nd of May for the cow that you were not to get till late in the month?—Yes.

8737. Is that what you ask the Court to believe?—Yes.

Cross-examined by Mr. Murphy.

8738. Did you ever speak at all to Mr. Brett, or any one in his office?—No.

8739. Is that Mr. Berry (pointing to a person in Court)?—Yes.

8740. Did Mr. Berry ever ask you for your vote?—No.

8741. Is that your promissory note (holding a paper to the Witness)?—Yes.

8742. Who is William Waddle?—He lives there.

8743. Is he security for you?—Yes.

[The Witness withdrew.]

WILLIAM BERRY, sworn; Examined by Mr. Meares.

W. Berry.

8744. WERE you acting for Lords Hill and Castleburgh at the last election?—No, I should be very sorry to be so.

8745. For whom were you acting?—I canvassed for Major Crawford.

8746. Over your district?—Yes.

8747. Do you know Mr. John Gabbey?—Yes.

8748. When was your last commercial transaction with him prior to the 3rd of May 1880?—A year and a-half ago he got 4½ cwt. of potatoes.

8749. Did you make him a present of it?—No, I was paid for them.

8750. Had you any other commercial transaction?—I sold a heifer.

8751. Had you only two transactions?—I had only two transactions.

8752. You met the wife on the road?—Yes.

8753. What time was it when you met her on the road?—I am not certain whether it was before the election or afterwards. I am under the impression that it was after the election. That note is dated the 3rd of May.

8754. I know it is; but the cow did not come to hand till some time after the bargain?—It did not.

8755. Were you out on your canvass when you met her?—No.

8756. Where were you?—Driving down to my farm.

8757. Did you ever ask this man for his vote, or never speak about his vote?—Certainly not.

8758. You would not?—If I had an opportunity of seeing him, I would ask him. He lives in an island, and when the tide is in, he cannot get to it except by boat. I never saw the man during the time the election was pending nor speak to him.

8759. Did he get any oats?—No, certainly not; he never asked for oats.

8760. Where did you get the promissory note?—Mr. Coates, of Ballydoon; I engaged to sell him the cow for 11 l. 10 s., and Willie Waddy, an uncle of his wife, went security for him.

8761. Had you the note with you?—I bought the stamp in a branch of the Northern Bank, at Comer.

8762. How long ago?—Two or three days before that, or some time before that.

8763. It is curious, it is a 1879 stamp?—I cannot help that.

Cross-examined by Mr. Porter.

8764. Had it anything on earth to do with the man's vote?—Nothing of the sort.

8765. Had it anything to do with anything but the sale of a cow?—No, certainly not.

[The Witness withdrew.]

JOSEPH REDPATH, sworn; Examined by Mr. Macdonagh.

J. Redpath.

8766. WERE you at the court-house on the day of the polling at Banbridge?—I was, once or twice.

8767. Do you know a man named John McClements?—I do.

8768. Did you see him at the polling?—The last time I was up I saw him as I came down.

8769. Was there anything remarkable about his head to make you sure of him?—There was a handkerchief tied round it.

8770. Was

*J. Redpath.*  
24 June  
1880.

8770. Was he standing, with some other people, close to a polling place?—Yes, this side of it.

8771. Do you know Mr. James Mulligan?—I do.

8772. Did you know he was an agent of Mr. Crawford's?—I did not know he was an agent, but I saw him acting.

8773. You saw him acting as an agent?—Yes.

8774. Did you know whether he was a personation agent?—I did.

8775. Did he come out where McClements's was; and did you see him take a handful of money out of his pocket?—I did. He was standing by Mrs. Mooney's; that is, the front street.

8776. Describe the way in which he took money out of his pocket?—He took out the right-hand pocket first. I was standing just looking at him, and then he took money out of the left-hand pocket, silver.

8777. Did he give it to Clements?—No, Clements at the time I came forward was counting five; McClements shouted it was six, and he counted him six shillings, and asked him was that enough; and with that McClements shouted there were seven, and he and another man fell, and he turned round his foot and went up the court.

8778. Was it into McClements's hands he gave the money?—McClements and the other man stood close to him.

8779. Was it to McClements he gave the silver?—As far as I could see, McClements got money into his hands.

8780. How much silver at first?—Six shillings.

8781. Did he say anything to McClements as to why he gave him the 6 s.?—No; they had been talking about it before I came forward. They were counting five persons.

8782. The men were?—Yes; McClements said there were six.

8783. Did Mulligan, when giving the silver, say anything to McClements as to what it was for?—He was saying there was six; and then McClements and another man fell, and Mr. Mulligan did not wait to see any more about it.

8784. They fell?—They fell; two of them were drunk.

8785. Did you know that Clements was a voter?—No, I could not say whether he was or not.

8786. Do you know where McClements lives?—Yes, he lives in Tonashmore.

8787. Has he a little farm there?—Yes.

8788. In what district is it?—It is near Banbridge.

8789. Is his name Thomas McClements?—John.

8790. Tonashmore is the place you refer to; he is 547 upon the register?—This is John, junior.

*Cross-examined by Mr. Murphy.*

8791. You live in Banbridge?—I do.

8792. What business do you follow there?—I am a dealing man.

8793. What were you doing this day in the town?—Nothing particular.

8794. Just knocking about there?—I was up there twice or three times in the day, just looking.

8795. Looking at what was going on?—Yes; not many minutes at any time.

8796. Had you any appointment about the election to do any business?—No; I had no vote.

8797. You had no vote?—No.

8798. And no occupation in consequence of it?—Yes.

8799. Is this the Mr. Mulligan (pointing to a person in Court)?—You.

8800. Do you swear that you saw that gentleman give any money on that day to a man named McClements?—I do.

8801. You saw the money?—I saw the money.

8802. Is McClements here?—He is.

8803. Who else was present besides McClements?—I do not know the men that fell.

8804. There were two men fell from drink?—Yes, and McClements was one of them.

8805. Was Mr. Mulligan quite sober?—Yes.

8806. Did you see them come out of any house?—I did not.

8807. But you saw him put his hand in his pocket and take out money?—Yes.

8808. Did you come so near him as to see the money?—I was standing a yard or a yard-and-a-half from him.

8809. You said first you believed he gave the money to McClements?—I believe McClements got it in his hand before the men fell.

8810. Did you hear anything at all as to any person asking Mr. Mulligan for money?—They were counting five.

8811. Who was counting five?—The men and Mr. Mulligan.

8812. Did you hear Mr. Mulligan say a word upon the occasion at all?—I just seen him counting 6 s., and saying was it enough?

8813. You heard him say that?—Yes.

8814. And you say you believe it was into McClements's hands?—Yes.

8815. Did you go away then from the group of persons?—No; I was going up home at the time.

8816. Where did they go to after they got the money?—I did not see where they went after that.

8817. You were quite sober at the time yourself?—Yes.

8818. Had you taken any drink at all?—I do not think I tasted anything that day.

8819. And that is the gentleman that was present?—Yes.

8820. Was it young McClements or the old one?—John, junior, is the one.

8821. Was the father there at the time?—I do not know.

8822. You say John, junior, is the man that is here?—There are two of them, and this is the man that I saw here who was there.

8823. This was Mr. Mulligan you say (pointing to a person in Court)?—Yes.

8824. About what hour of the day was it?—It might have been at three o'clock or a quarter past.

[The Witness withdrew.]

JOHN McCLEMENTS, sworn; Examined by Mr. Monroe.

J.  
McClements.  
—  
64 June  
1890.

8823. ARE you perfectly sober?—I have drunk one half-glass of brandy to-day.

8826. Do you know Mr. Mulligan?—I have seen him.

8827. Can you see him now?—Yes.

8828. I suppose you are a voter for the county?—Yes.

8829. And gave your vote?—I did; and I will tell you who it was too, on my oath.

8830. I would not ask?—I gave my vote to Hill and Cartterough; and to say this man gave me money, I swear I had no connection with him before. I swear on this day, and I could get 20 witnesses, and would fetch them for their Lordships, that I was at my own home door at three o'clock on the day of voting. On the day of voting, Dr. Maclean was attending me, on Easter Monday I got my eye hurt, and I had a cloth on it.

8831. You were ill on Easter Monday; how did you know I was going to ask about Easter Monday?—I heard the men swear I had my head tied up.

8832. Had you?—I had.

8833. Did he happen to see your head tied up on the day of the poll?—I went there, and it was tied up at the poll.

8834. Did you happen to see Mr. Mulligan?—Yes, I saw him.

8835. How much was it?—How much was what?

8836. Money?—Is what way money?

8837. Were you speaking to Mr. Mulligan at all that day?—I might and I might not.

8838. That is as safe an answer as ever you gave in your life, notwithstanding the half glass of brandy?—On my oath he never did in his day as much as a lazzar.

8839. Who got the money?—I do not know who he gave the money to, nor I could not tell you.

8840. Were you as sober that day as you are to-day?—I got no drink till I voted.

8841. At the time the money was going, were you as sober as you are to-day?—What money?

8842. What you got after the poll?—Everything I got at the elections I would hardly get as much as would pay my way home. I never got any money on the way, on my oath, my Lord Judge. I never did.

8843. Were you sober after the poll; you say you did not begin to drink until after the poll was over?—I drank two or three half ones.

8844. Then you had taken three times as much as you have taken to-day; were you three times

as sober as you are to-day, or only two-thirds as sober now as you were the day of the poll?—I do not think I scarcely got any drink till I was coming home on the car.

8845. You say you got no drink until you were coming home?—I was coming home on the car.

8846. You did not drink yourself?—We did on the car, and we came home.

8847. You had taken none till you left the town?—We took it when we left the town.

8848. Where did you get the money?—I got it from myself.

8849. Where did you get the money, McClements, junior?—I was sure, I got it myself.

8850. Did you see any money going there at all?—I saw no money going to no man.

8851. Were you fit to see?—There was many a time I was better in my eyesight.

8852. I do not allude to your eyesight at all?—And many a time when I was better than now.

8853. Do you remember the time when you fell in the street?—I do not.

8854. Many a time you did fall?—Many a time?

8855. Yes?—Indeed, I suppose I did fall many a time.

8856. Was that one of the days you did fall?—I might have fallen, but if I did on that day I came home, and I could tell you the truth, that I drew 10 loads of dung out that night.

8857. Was it from weakness you fell?—Ork, so; and I am a decent man.

8858. Tell me about that money, and I will let you go?—I tell you I got no money from him.

8859. You will not tell me about it?—How can I tell you of a thing I know nothing about.

Cross-examined by Mr. Murphy.

8860. About what hour of the day did you leave Banbridge on that day?—I am a man—

8861. About what hour did you leave?—I should think I was home before three o'clock a good bit.

8862. Now, I will ask you a question; I ask you, on your oath, did that gentleman give you a shilling upon that day?—On my oath, him or his brother; but it was three years ago, three years and four months ago.

8863. Did he give you any money on that day?—On my oath, I never received money from that man.

[The Witness withdrew.]

JAMES BEDPATH, re-called; further Examined by Mr. Meadows.

J. Bedpath. 8864. Is that the man to whom you saw the money given (pointing to McClements)?—Yes.

[The Witness withdrew.]

JOHN CARMELL, sworn; Examined by Mr. Monroe.

J. Carmell. 8865. ARE you a landowner in this county?—On a small scale.

8866. Do you know a man with the name of John McGivigan?—Yes.

8867. Was his grandfather a tenant of yours?—He was.

8868. What is the name of the place which his grandfather held as tenant?—Lisnagunnel.

8869. When



8868. When did his grandfather die?—Some time last winter.

8870. After the grandfather died did he give up possession of the farm?—Before he died.

8871. Do you know this grandson of his; the man named John McGivirigan, the grandson?—Yes.

8872. Where does he live?—He is in Lisnagunnel still.

8873. Who does he live with?—He is married to a Miss Strain, and she also lived with her aunt, and he is living with her.

8874. He is married to a Miss Strain?—Yes.

8875. And she lives with her aunt?—Yes.

8876. And he lives with the aunt and the wife both?—Yes.

8877. He has no property of his own?—No.

8878. And had no property at the time of the election?—No.

8879. He never was tenant of the farm that

his grandfather had, and which you got possession of before the grandfather died?—No. *J. Carroll.*

8880. Mr. Justice Barry.] How long is it since you got possession of it?—In July 1878, and then I got possession the following March.

8881. Mr. Justice Barry.] You got your decree in July 1878 and got possession in March 1879?—Yes.

8882. Mr. Justice Barry.] Had the present John McGivirigan never lived there with his grandfather?—He lived with his grandfather, but he was not the tenant.

Cross-examined by Mr. Murphy.

8883. Do you know that when he came forward to vote he was objected to by the agent, Mulligan, and the oath was directed to be tendered to him by Mr. Mulligan in the booth?—I do not know anything of that.

[The Witness withdrew.

JOHN MCGIVIRIGAN, sworn; Examined by Mr. Kistey.

1884. WHERE do you live?—In Lisnagunnel.

8885. In whose house?—I live with my wife and aunt.

8886. You are not yourself a rated occupier of any premises in the county?—I am.

8887. What are the premises?—I hold a portion of land in the townland of Drumsilla, and am in possession at the present time.

8888. When did you get it?—I paid poor rates for it the last 10 years, and in my grandfather's place they had the land ever since.

8889. When was your grandfather's place given up to the landlord?—I think a portion was given up over 12 months; it is not 12, it is over 12.

8890. Was not your grandfather a voter out of that holding?—Yes.

8891. What is the name of the townland?—Lisnagunnel.

8892. When did your grandfather die?—I cannot tell you.

8893. Last winter, was not it?—Yes, in the beginning of the winter.

8894. Did you ever vote at an election till the last one?—I never did.

8895. About what is the valuation of the place you hold at Drumsilla?—I cannot say that.

8896. What county cess do you pay?—I cannot say. I have the ticket; it corresponds with the Lisnagunnel place.

8897. Mr. Kistey.] It is not 12 L valuation?—No, it is not 12 L, but it never was struck off the registry book.

8898. You never voted out of it?—Not till now.

8899. Your grandfather was a voter out of it?—Yes.

8900. Your valuation is not worth 12 L?—Not at the present time.

8901. Did you vote at the last election?—Yes.

Cross-examined by Mr. Murphy.

8902. I see there is John McGivirigan, 473, rated Lisnagunnel and Drumsilla. How did you come into the polling place; did you drive in?—No, I walked in.

8903. Did you see Mr. Mulligan in the polling place?—Sess. 2.

place when you came in?—I could not say; I would not know him.

8904. Did anyone ask you in the place whether you were John McGivirigan?—Yes.

8905. Who asked you?—I do not know.

8906. What did you say?—I said I was.

8907. Did you say what place?—Lisnagunnel.

8908. Did you then vote?—Yes.

8909. Who asked you for your vote before you came in?—I could not say; I got correspondence letters from both Hill and Castlereagh, from both parties, asking me to vote.

8910. Did any one go in with you to vote?—No.

8911. You got letters from both sides to go in and vote?—Yes.

8912. And you voted, believing you had a right to vote?—Yes.

8913. Do you know the person who asked you if you were John McGivirigan?—No, I do not; as regards asking in the polling booth, I do not know who asked me was I John McGivirigan, of Lisnagunnel. He asked me if there was anyone in the townland but me, and I said there was not.

8914. And you voted?—Yes.

Re-examined by Mr. Kistey.

8915. You did not tell him your grandfather died in the previous December?—Certainly not.

8916. Mr. Murphy.] Were you living with him up to the time he was put out of the place?—Yes, I lived with him till he died.

8917. Were you served with ejectment by the person who owns the land?—I will not say that.

8918. Mr. Kistey.] You say you did not vote in 1878?—No.

8919. Did your grandfather vote?—I cannot say.

8920. How is it that you did not vote then?—It would make no difference in the two names; I really believed I had a perfect right to vote.

8921. Your name was the same as your grandfather's?—Yes.

8922. Though you have not a 12 L valuation?—Yes, at that time it was.

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8923. It

J.  
McGiverigan.  
—  
24 June  
1890.

8923. Is never was struck off the registry book?—No.

8924. Mr. Baron Fitzgerald.] It belonged to your grandfather till his death?—The full property, my Lord.

8925. Yes?—No; in the meantime it was struck off the registry book.

8926. It never belonged to you in his lifetime?—I could not swear that; but I paid him the last rent that ever he got, and I paid my rent the last 10 years.

8927. Were you asked the number and the name upon the register?—Yes, my Lord; I have the number of the registry in my pocket now, on the polling card I received from Lords Hill and Castleburgh.

Mr. Baron Fitzgerald.] It is plain he was not entitled to vote.

8928. Mr. Murphy.] Did Drumsilla belong to you or your grandfather?—At that time, in 1878?

1929. No; are you still the owner of Drumsilla?—Yes, I hold it in possession at the present time, and have paid the rates.

8930. And you paid the rent out of Lisasegounel for 10 years?—Yes.

Mr. Justice Barry.] The two names are necessary to give the qualification.

Mr. Moore.] That is it.

Mr. Moore put in the certificate of death of John McGiverigan, which stated that he died on the 7th of December 1870.

8931. Mr. Baron Fitzgerald.] Had your father ever land called Drumsilla?—Yes, my Lord.

8932. Mr. Justice Barry.] Who is your landlord of Drumsilla?—Thomas Hamilton Morris Jones is my landlord for Drumsilla. My grandfather was an old infirm man of 95 years of age, and he was doubtful many a year before he died.

[The Witness withdrew.]

THOMAS HOW, re-called; further Examined by Mr. Macdonagh.

T. How.

8933. Do you know Samuel Carr?—I did know a man of that name.

8934. What farm did he occupy?—He had a farm in the townland of Drumsadonna.

8935. Who was the landlord?—The Marquis of Downshire's trustees.

8936. "Samuel Carr, of Drumsadonna, rated occupier, 25 l. 10 s." You know the uncle; do you remember his going to America?—I know the man sold his farm, and I had a conversation with him afterwards, and he told me he intended to go to America; I know no more than that.

8937. When did he sell his farm?—Last winter.

8938. About Christmas?—I think so, or after that.

8939. Then you are not able to state the time he left for America?—No, I do not know.

8940. Was he an elderly person?—I think he was a middle-aged man.

8941. Do you know the nephew of Samuel Carr?—I do not know the relationship amongst them. I know there are other Carres in the same townland.

8942. Do you know to whom he parted with his farm before he resolved to go to America?—My recollection is, that the man's name was Campbell. There are a great many changes there.

Cross-examined by Mr. Porter.

8943. You say this man told you he was going to America, but you did not know whether he was going or not?—No.

8944. What aged man was he?—A middle-aged man.

8945. Did you ever speak to him?—Yes.

8946. When did you speak to him last?—At the time the transaction was carried out, the sale of the farm.

8947. Do you know anything about it, are you sure of the man he sold the farm to?—I should have. My recollection is, that the man's name was Campbell.

8948. You are not sure of it?—I am not absolutely certain.

[The Witness withdrew.]

WILLIAM HART, sworn; Examined by Mr. Macdonagh.

W. Hart.

8949. Did you know the Samuel Carr that occupied the premises about which Mr. Howe spoke?—Yes, I know Samuel Carr, of Drumsadonna.

8950. Do you know that that man parted with and left his property?—He did.

8951. To whom?—To David Campbell.

8952. About what time?—It was sometime in the winter.

8953. The winter of last year?—Yes.

8954. Do you know of his having left this country for America?—I cannot distinctly say.

8955. Think, about?—I could not distinctly say.

8956. Was it about January or February?—I do not exactly remember; I think, it was about four or five weeks.

8957. Did Campbell enter into possession?—Yes, he did.

8958. And is he in possession now?—He is.

8959. And was so at the time of the election?—He was.

8960. Do you know the nephew of that man, a man of the name of Samuel Carr, also?—Yes, I am slightly acquainted with him.

8961. Have you seen him here?—Yes.

8962. Is he a young man?—Yes; he is married.

8963. Then he is not in possession of Drumsadonna?—Not of that farm; not of the farm that his uncle had. I do not know whether he was uncle or not.

8964. It is Campbell that is now in possession?—Yes.

Cross-examined by Mr. Murphy.

8965. When did you see the Samuel Carr last, of Drumsadonna, the man whom you say went to America;

America; where did you see him?—I saw him in the village of Dromara.

8966. When did you see him in the village of Dromara?—I cannot give the date at all.

8967. It was there you last saw him, was it?—I cannot say.

8968. You did not see him going to America or sailing in any vessel?—No.

8969. You spoke of Samuel Carr, the nephew,

and said he was not in possession of that land; is he in possession of any land?—He is living, I think, with his father on the farm.

8970. Is that Drummadona also?—Yes, I think it is Drummadona also that he is living on.

8971. Who is his father?—I believe it is Joseph; I believe that is the name.

[The Witness withdrew.

WILLIAM LOWRY, sworn; Examined by Mr. Meenan.

8972. WERE you agent in the polling booth on the day of election?—Yes.

8973. Where?—Dromara.

8974. Was there a person of the name of Samuel Carr came up to vote?—There was.

8975. Was he a young man?—Yes, he was.

8976. Had you known his uncle?—No.

8977. Were you acting as booth agent or personation agent?—Personation agent.

8978. Did you object to the young man voting?—I did not.

8979. You were not acquainted with the uncle?—

Mr. James Fitzgerald.] It is not proved that he was his uncle.

8980. Mr. Meenan.] Have you seen the man who voted here to-day?—I did.

8981. Is that the man who voted (pointing to a man in court)?—Yes.

8982. Did he vote?—Yes.

8983. Did he vote as Samuel Carr, No. 160, upon the register, Samuel Carr, Drummadona?—He voted as Samuel Carr, Drummadona; I do not remember the number.

[The Witness withdrew.

WILLIAM HART, re-called; further Examined by Mr. Mardesogh.

8984. Is that the young man (pointing to Samuel Carr)?—Yes.

8985. Was he in possession of the land that was sold to Campbell?—Not that ever I saw.

8986. And he is not the Samuel Carr who parted with the farm to Campbell?—By no means.

8987. That young man is not the Samuel Carr who conversed with you last Christmas, or about that time?—He is not the Samuel Carr who sold the land, because he owed me an account and paid me before he left the country.

8988. He paid you the account?—Yes, before he left the country.

8989. Was it then he told you he was about to leave the country?—I heard it long before, and

I went to see him before he left the country for fear of his going away without paying.

8990. Do you know whether that young man is a relation of his?—I do not know anything about it.

Further Cross-examined by Mr. Murphy.

8991. Is that young man there, Samuel Carr, of Drummadona?—Yes.

Mr. Justice Barry.] Is that the description in the register?

Mr. Murphy.] It is.

Mr. Mardesogh.] Samuel Carr, Drummadona, rated octupier, 21 l. 10 s.

[The Witness withdrew.

SAMUEL CARR, sworn; Examined by Mr. Meenan.

8992. ARE you the son of Joseph Carr?—Yes.

8993. And do you live with your father?—Yes.

8994. How much land does your father hold?—He holds about 20 acres; 12 acres in one land and eight in another.

8995. Is that all that belongs to him; is that the nature of his property?—Yes, Irish measure.

8996. What townland is it in?—Drummadona.

8997. Are there many brothers?—None.

8998. You live with your father, and work at his farm?—Yes.

8999. You have no farm of your own at present?—I have none in Drummadona.

9000. When did your uncle leave for America?—Somewhere about the election time; before the election.

9001. What was the name of your uncle?—He was not my uncle; he was Samuel Carr.

240—Sess. 2.

9002. Was he any relation?—He was some relation, but very little.

9003. Do you remember going in, yourself, and voting at the election?—Yes.

9004. Who did you go in with; who took you in to vote?—There was no one.

9005. Did you walk in yourself?—Yes.

9006. I suppose this was the first time you ever voted?—It is.

9007. Is it Campbell that is now in possession of Drummadona?—Yes.

9008. Who asked you to go in to vote?—No one.

9009. Nobody spoke to you about it at all?—No; I was served with a voting paper.

9010. And you thought you had a right to vote?—Yes.

9011. Who sent you the voting papers?—They were left.

9012. Where?—In the house.

9013. By whom?—They were left in by a man who carried round the papers. I think they

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came

W. Hart.  
24 June  
1880.

W. Hart.

S. Carr.

A. Carr.  
—  
24 June  
1880.

came from Mr. Hart, of Lords Castlereagh and Hill, and the other came in by post, from Major Crawford. I was not at home. I was out working; I do not know how they came in; I saw them there in the house.

9014. Mr. Baron Fitzgerald.] Did your father vote?—Yes.

9015. He voted, too?—Yes.

9016. His name is Joseph?—Yes; my father

made application to get my name on the list as a voter, two or three years ago.

Cross-examined by Mr. Porter.

9017. And was your name put in the list?—I cannot say; I thought it was on the list.

[The Witness withdrew.

MR. HUGH GLASS, sworn; Examined by Mr. Monroe.

Mr. Glass.

9018. You are a Solicitor, residing at Banbridge?—Yes.

9019. Were you acquainted with the late John Roberts or McRoberts?—Where did he live? I know a man called Roberts, of Tallyhoer.

9020. Did his widow survive him?—I believe so.

9021. When did he die?—I do not know.

Mr. Monroe.] He died the 3rd of August 1872; we have a certificate of his death.

9022. Mr. Monroe.] Do you recollect the property being purchased from the Church Temporalities Commissioners?—I do not; I do not think it was purchased.

9023. Have you any deeds in your possession relating to the property?—No.

9024. Of any of the property?—No.

9025. Did you inform any person that you had them?—No, I did not indeed.

9026. You are agent of the property?—I am.

9027. That portion on which John Roberts resided in his lifetime?—Yes.

9028. Have you any rent receipts for rent paid since the death of John Roberts?—I have not.

9029. Who paid the rent; to whom did you give the receipt?—I think there was only one payment.

9030. Who paid the rent?—The receipt is filed in the name of the representatives of John Roberts.

9031. Who is the landlord?—James Brown.

9032. And you are acting as Mr. Brown's agent?—Yes.

9033. Do you know the widow?—I did know her slightly; I believe she is dead since.

9034. When did she die?—I do not know.

9035. What is the date of the last receipt you have?—The 20th of March last 1890; it is for rent up to the 25th of March 1878.

9036. You may not be able to tell precisely when the widow died, but is it within the last year or so?—I really could not say.

9037. Were you persecution agent yourself?—No.

9038. Were you agent at the booth?—I was.

9039. What sort of an agent were you?—I believe I was conducting agent for that district.

9040. I withdraw the expression. Were you in the booth when John Roberts voted?—I do not think I was; I do not recollect him coming at all.

9041. Were you ever speaking in reference to this man having persecuted?—Indeed I was not; not that I remember.

9042. Do you know Mr. Card, a solicitor, in Banbridge?—I do, very well.

9043. Did you tell him, in reference to this very case of John Roberts, that it was one of the greatest cases of persecution you had ever known?—I never did.

9044. You spoke upon the subject?—Yes, I did.

9045. In reference to this case of persecution?—In reference to this particular case I had a conversation with Mr. Carr.

9046. When?—I believe the first day I came down here, Saturday; I asked him did he know why I was summoned here; he said he did not know.

9047. Did you tell him anything about the case of persecution?—He asked me if I had prepared the conveyance, and I said "I had not"; and I was subpoenaed to produce the conveyance of Roberts.

9048. You are acting as agent?—Yes.

9049. Did you see young Roberts in Banbridge, the day of the polling?—I cannot recollect that I did; I do not believe I did.

9050. Have you seen him at all since the election?—Yes, I think I have.

9051. Is he in Banbridge now?—I cannot say.

9052. Do not you know that he has left the country since the election?—I do not know anything of the sort.

9053. When did you see him last?—I really do not know.

[The Witness withdrew.

THOMAS STRONG, re-called; Examined by Mr. Monroe.

T. Strong.

9054. ARE you Rate Collector of Tallyhoer?—Yes.

9055. Do you know the farm of Tallyhoer, formerly occupied by John Roberts?—I only collected the rates last year and this year, and therefore I do not know anything about John Roberts, the old man.

9056. Who is rated for Tallyhoer, in the name of Roberts, as tenant of Mr. Brown?—John Roberts is in the book, 13 l. 5 s. valuation.

9057. What is the earliest entry you have of that name?—That is all we have this year.

[The Witness withdrew.

Mr. RICHARD GALLAGHER, sworn; Examined by Mr. Meadonagh.

9038. You are Agent to Mr. Mulholland?—I manage his estate.

9039. Do you know John Murphy?—Yes.

9040. Was he a tenant of Mr. Mulholland?—He was not.

9041. Was the person of whom I am speaking, who died, the tenant; or had he been?—Not in Mr. Mulholland's books, I believe.

9042. Had you any conversation with a person of the name of John Murphy?—I had.

9043. Do you know that person, with whom you had the conversation, voted at the last election?—I do not know that he voted.

9044. Who was the tenant of Mr. Mulholland, No. 257; were you in the polling booth at all?—I was.

9045. Did you see a person of the name of John Murphy come up to vote?—I did not.

9046. Do you know a place called Cardy?—Yes.

9047. Is that property Mr. Mulholland's?—It is.

9048. Did you know John Murphy, who lived at Cardy?—I did.

9049. Is he a living man?—He is, and he is here to-day.

9050. Was the man who is here to-day a tenant of Mr. Mulholland's for that farm?—He is not.

9051. Who was the tenant?—Alexander Murphy is the name that is in our books.

9052. To whom did you give the receipts for rent?—To the representatives of Alexander Murphy the last receipt was given.

9053. Had you any conversation with the man who is here to-day?—I had.

9054. Did you tell him he had no right to vote?—There was a John Murphy on the list I got from Mr. Finnigan to canvass, and I called upon him to make myself sure whether he was the man who had the right to vote, and he told

me he believed his father had a right to vote, and he was dead.

9055. Did you tell him he had no right to vote?—I asked him whether he was perfectly sure of it, and he said it was his father who had the vote, and I cautioned him.

9056. Mr. Justice Barry.] Is this the form of receipt which you gave to Alexander Murphy?—Yes, I canvassed John Murphy on the farm.

9057. Mr. Meadonagh.] You told him if he was not perfectly satisfied he ought not to vote?—Yes.

9058. What did he say?—He did not say anything about it.

Cross-examined by Mr. Murphy.

9059. How long has Alexander Murphy been dead?—I cannot say that.

9060. It may be 13 or 14 years?—It may be, but Mr. Mulholland has only had the estate since 1877.

9061. Is not John Murphy the person occupying the farm?—John Murphy is one of the family.

9062. Did not he pay the rent?—He did pay the last rent.

9063. He is living there?—Yes, I saw him on the farm.

9064. As far as you know the name of the farmer may have been Alexander Murphy?—The name of the grandfather was Alexander Murphy; the grandfather's name is in the books.

9065. And you never knew any other John Murphy than the John Murphy who is there now?—No.

9066. Mr. Justice Barry.] Do you know when the father died?—I do not.

Mr. Meadonagh.] John Murphy died the 10th of April 1878; that is the father's.

[The Witness withdrew.]

JOHN MURPHY, sworn; Examined by Mr. Meadonagh.

9067. I BELIEVE your grandfather's name was Alexander?—Yes.

9068. How long is it since he died?—It is a good number of years; I could not say, to tell you the truth.

9069. Did he die in your house?—He did.

9070. And he had a son called John, your father?—He had.

9071. Did your father get his farm when Alexander died?—He had it long before he died.

9072. And your father gave it up at the time of his death?—He did.

9073. When did he die?—He died about the first week in April 1878.

9074. The 10th of April 1878?—Yes.

9075. Your name is John, too?—Yes.

9076. Do you remember telling Mr. Gallagher that you thought it was your father's name upon the register?—I never told him anything of the sort, for I do not care about registers or anything of the sort.

9077. Had you any talk with Gallagher about voting?—I said I paid the poor rate ever since my father's death.

9078. Your father died in April 1878, and

you thought because you paid the poor rate you had a right to vote?—Yes.

9079. But you never made the claim to get on the register?—No.

9100. The rates came to you in your own name and you paid them?—Yes, I paid Mr. Rankin my own rates. When I came down yesterday I was talking to John Boyle about the assessment. He said, "If they said you did not pay the rates since your father died they would say wrong."

9101. Mr. Justice Barry.] Are you the oldest son of your father?—There is one, a carpenter, in England.

9102. Are you the eldest at home?—Yes.

9103. How many brothers have you?—One at home.

9104. How old is he?—I could not say without telling you an untruth, because two died betwixt.

9105. Is your mother alive?—She is.

9106. Mr. Meadonagh.] And your father's name was struck off?—When I paid the rates to Mr. Rankin I told him all about it.

9107. And you voted?—I did.

[The Witness withdrew.]

Mr.  
Gallagher.  
—  
24 June  
1880.

*Eighth Day.—Friday, 25th June 1880.*

25 June  
1880.

Mr. Meekins stated that he would dispose of the question of alienage; he stated that its name was Louis Kauckie, 411, rated occupier, Churchhill Terrace, Holywood.

Mr. Porter stated that there was no doubt that Louis Kauckie was an alien, and that he voted, but that how he voted would have to be decided hereafter.

ROBERT McILWAINE, re-called; Examined by Mr. Meekins.

R.  
McIlwaine.

9108. Do you produce from the office of the Clerk of the Peace the list of claims and supplemental list of 1878 and 1879?—I do.

9109. Do you find a claim in either list for John Murphy?—There was none in the year 1878, and in 1879 it does not appear on the list of claims, nor on the supplemental list for either year.

Cross-examined by Mr. Murphy.

9110. Does the name of John Murphy appear on the list for 1878?—It appears on the ordinary register.

9111. Does it appear on the ordinary register, 1878; what have you got now?—A copy of the register for 1878.

9112. Have you the register?—This, the Clerk of the Peace's copy.

9113. What are the two documents you have?—These are the court copies.

9114. I want to see the court copy of the list of 1878, the one signed by the county chairman with his own hand; have you got that?—Yes.

9115. Is it that which you have in your own hand?—It is.

9116. Is the name John Murphy there?—It is.

9117. When was it signed by the chairman of the county?—This was signed in September or October 1878, but that name had come down unaltered or changed from a previous year.

9118. How do you know; where is the previous list?—Each revision court revises the register of the year before; the name had come down from the year before unaltered.

9119. I do not know whether that is the same or not?—

Mr. Baron Fitzgerald.] He is right to that extent. The revision list, which is before the chairman, is made out from the register of that year.

9120. Mr. Murphy.] Made out by the clerk of the union, an accurate copy. John Murphy is on again in 1879?—Yes, but there is no observation made to his name.

9121. Mr. Baron Fitzgerald.] Where is the claim?—There is no claim whatever.

9122. I thought you said there was a claim in 1878?—No; the name appears in the list unaltered from the previous year.

9123. Mr. Murphy.] The name appears in the list of 1879, unaltered?—Yes.

Mr. Baron Fitzgerald.] Then the difference in this, there was a register between the two intervals which the party is not bound to take from anybody else, but to ascertain who is the occupier.

Mr. Murphy.] Yes, the case of Macnamara in Athlone is precisely the same kind of case, though it was not so strong a case as this.

Mr. Baron Fitzgerald.] In Macnamara's case there was one payment of the rate by him.

Mr. Murphy.] As to the moral this is better.

[The Witness withdrew.]

ROBERT PATTERSON, sworn; Examined by Mr. Meekins.

R.  
Patterson.

9124. I BELIEVE you are not a voter?—No; I did not vote.

9125. Nor have you a vote?—It appears not.

9126. Do you know a man called McKee?—Yes.

9127. What is his name?—Mr. William McKee.

9128. Was he canvassing for Major Crawford?—No.

9129. Was there a William McKee who asked you for your vote, or spoke to you about voting?—No, I think not in regard to voting.

9130. Who spoke to you about voting?—James McKee was a canvasser.

9131. For Mr. Crawford?—Yes.

9132. Did James McKee come and speak to you about voting?—Well, he called with circulars, and I asked him if I had a legal right to

vote, and he told me he could not exactly say, but I might go down to Florida, and see there; he and Mr. Kelly was going round the neighbourhood, and they just called upon me.

9133. Did he tell you that you had a right to vote?—No; he did not.

9134. Did you ever say that he did?—No, sir.

9135. Were you speaking to a Mr. Calvert upon the subject?—A little on the subject, but I never told him that.

9136. What did you say to him?—I disremember; indeed, there was a good deal of conversation.

9137. It is not so long ago?—No.

9138. Let me tickle your memory a bit; were you speaking to Mr. Calvert about it?—Yes, he and I were talking about it.

9139. How long ago?—Since the election.

9140. So

9140. So I would say?—It might be three weeks or so, as near as I can say.

9141. Were you speaking to a man of the name of Gelston?—Mr. Gelston was along with him.

9142. Did you tell Mr. Calvert or Mr. Gelston, that you had been asked by Mr. James McKee to go and vote?—I told them that they were about with me, that Mr. Kelly and James McKee were about with me.

9143. Did you tell him that you told McKee you had no vote?—That McKee had no vote.

9144. No, do not pretend to be stupider than you are, did you tell Mr. Calvert and Mr. Gelston that McKee said you had a vote?—No; I did not.

9145. Or that you might go down and try it?—Well, yes; I told him that; that Mr. McKee said I might go down and see if I had a legal right to vote.

9146. Did he say, "legal right," upon your oath; were not the words that he made use of, that you might go down and try it?—Try if I had a legal right to vote, certainly.

9147. Did he say "legal right"?—I believe he did, to the best of my knowledge.

9148. "Legal right"?—Yes.

9149. Did he know that your father was dead?—Who?

9150. McKee?—Of course he did.

9151. When did your father die?—On the morning of the 5th of November last.

9152. Is not that to your knowledge after the last lists were made out; you knew the registry takes place in October?—I was not aware of that.

9153. What time was it. Does McKee live near you?—He lives scarcely a mile off.

9154. Did he know yourself for many a day?—Yes.

9155. And your father?—Yes.

9156. And knew of his death?—Yes.

9157. Is he not the rate collector?—No, he is not.

9158. What is he?—A farmer.

9159. What else?—Nothing else.

9160. But he knew perfectly well your father was dead?—Yes.

9161. Did you go in?—Well, Sir, I did; I went down to the court-house, down to the committee-rooms, and I met a man there.

9162. Who was that?—A man of the name of Carr, and he objected to me; he said, I had not a legal right, and I met with two other gentlemen who told me I had not a legal right, and I never asked for my ballot paper at all.

9163. Did you say anything to Carr about his passing no remark to your voting?—Yes, I asked him if they had got no little business to mind, and he said he had; I told him to mind it, because I would mind what I had got to do. I was of opinion that I had a right to vote, as I was of the same name as my father, and I had paid the poor rates to Mr. William McKee previous to this.

9164. Who is Mr. William McKee, what relation is he to James?—I cannot say.

9165. But he is the rate collector?—Yes.

9166. Did you tell Carr that he might close his eyes to it and pass no remarks?—No, I did not.

9167. What did you say about passing no remarks?—I told Carr if he had any little business—260—Sees. 2.

ness to mind, to go and mind it, and I would mind mine.

9168. What did you want to get Carr out of the way for?—I wanted him to mind his own business, and I would mind mine; if I had a legal right to vote I would not take his word for it; but other gentlemen were about, and I thought I would have information of them?—Yes.

9169. You thought you would have information of them?—Yes.

9170. Did you say you would like to vote in your father's name?—No, I did not.

9171. What did you want to get Carr out of the way for?—I thought he had no business with me.

9172. Was not he there as an agent?—I do not know what he was there for.

9173. Was not he there as a personation agent watching you?—I cannot say; a personation agent had no right to be where he was at all; I believe the personation agent should stay inside the court-house, and not go out.

9174. You think so?—I think so.

9175. Where did you see him?—Down the road at Castleburgh's committee-rooms from the court-house.

9176. Watching you?—I cannot say what he was doing; I suppose he was minding his business; I cannot say.

9177. Did you tell either Calvert or Gelston that McKee told you he had no right at all, and that he told you you should go in and try?—Mr. James McKee and Mr. Kelly were round; I asked them if I had a legal right to vote; they told me to go down and see whether or not I had a legal right to vote, and I told them I would.

9178. Upon your oath, did you tell Carr you had voted in your uncle's name in 1878?—Upon my solemn oath, I did not; I did not vote in 1878.

9179. Did you tell Carr you had voted in 1878?—No, I did not.

9180. Of course the last rates were paid in July; when did you pay rates after your father died?—The last poor rates that were paid.

9181. On your oath, did you pay a shilling rate since the death of your father in November 1879?—Yes.

9182. When?—In Belfast, in Barry's public-house in Princes-street.

9183. What rates?—Poor rates.

9184. When did they become due?—I cannot say, but it was since my father died.

9185. You cannot say when they became due?—No, I cannot.

[The Witness withdrew.]

Mr. Porter stated that this evidence could only be given to affect the vote of James McKee.

Mr. Baron Fitzgerald.] According to the evidence that we had, he did not personate, but this I understand is directed against McKee as aiding and abetting, and his name is not mentioned.

Mr. Porter.] No; his name is not mentioned, and we made no attempt to bring him here.

Mr. Kilday.] McKee's name is in the original list for aiding and abetting Samuel Kerr.

SAMUEL KERN, sworn; Examined by Mr. Kibbey.

- S. Kern. 9186. Do you know the last witness, Patterson?—I do.
9187. Do you remember seeing Patterson at your father's house?—I do.
9188. Did you see him there?—I saw him there before there was any canvassing.
9189. Had you any conversation with him in reference to his right to vote?—I have the Florida list of voters in my father's house, and he was looking at it, and he said, if I would pass no remarks he would vote in his father's name.
9190. What did you reply to that?—I said if I would not perhaps some other body would.
9191. That if you would pass no remarks some other body would?—Yes.
9192. Did he mention anything about the election in 1878?—He told me that a man of the name of Maurice voted in his uncle's name in 1878.
9193. Were you in Florida the day of the polling?—Yes.
9194. You acted as agent for Castlereagh and Hill?—Yes.
9195. Did you see Patterson coming in that day?—Yes.
9196. Where did you see him go to when he came into Florida?—I saw him going to the tally rooms.
9197. Whose tally rooms?—Castlereagh and Hill's tally rooms.
9198. Did he subsequently come up to the court-house?—He did afterwards.
9199. Were you in the polling booth when he came to the court-house?—Yes.
9200. Did he come into the booth?—He came into the court-house.
9201. What did you say to him then?—I never spoke to him in the court-house.
9202. Did he see you there?—I would expect he did.
9203. Did he go out after that?—He had some conversation with the Reverend Mr. Macaw.
9204. He did not apply for a ballot-paper in your presence?—No.

Cross-examined by Mr. Murphy.

9205. When he came to you, and said, if you said nothing about it, he could vote in his father's name, were you asking him for his vote?—No, I was not.

9206. How came the conversation about his voting; did he know you to be a canvasser for Leeds Castlereagh and Hill?—I do not believe he did, because there was no canvassing commenced at that time.

9207. It was a fortnight before the election, was not it?—I think it might be more; I cannot exactly say the time.

9208. But it was before any canvassing began, was it?—Not in the Florida district.

9209. Did you know him to be in possession of his father's firm?—I did.

9210. And paying the rates for it, as far as you know?—Yes, as far as I know.

9211. Did he ask you whether he could vote?—No, he did not ask me whether he could vote or not.

9212. Did you tell him he could not vote?—I do not believe I did; I told him on the day of polling in Hill and Castlereagh's tally-rooms that he could not vote.

9213. He went to Hill and Castlereagh's tally-rooms?—Yes.

9214. Was it to inquire whether he could vote?—It was to get his number.

9215. Was it from you he asked his number?—No, it was not.

9216. But you were present?—I was not present when he asked his number.

9217. Were not you in the tally-rooms?—I went down to the tally-rooms when I knew he was there; I did not want him to come up and demand a paper, and not get it.

9218. And in Hill and Castlereagh's tally-rooms he asked for his number?—Not in my hearing.

9219. But you heard from some one else he did; you did not speak to him at all in the booth?—No.

9220. What did you say to him at the tally-rooms?—I told him not to tender his vote; he said he would, and he said I need say nothing against him, he was going to vote for Castlereagh; I told him I would not let him vote.

9221. Did you go to the booth then?—Yes.

9222. Did you hear him ask any other persons at the booth whether he had a right to vote?—I did not.

9223. Did he tell you to mind your own business?—I do not remember.

[The Witness withdrew.]

HENRY GILSTON, sworn; Examined by Mr. Kibbey.

- H. Gilston. 9224. Do you remember being with Mr. Calvert some short time after the election, when you met Robert Patterson?—Yes.
9225. Tell us the conversation that occurred between Patterson and Calvert and yourself; tell us the conversation?—I came up with Mr. Patterson after getting off the tram; Mr. Calvert was a little behind, and he told me he had asked McKee if he could vote, and McKee said he could, he saw nothing to prevent him, and after that Mr. Calvert came up, and he stated something of some kind when Mr. Calvert came forward.
9226. Do you know James McKee?—I do not know James McKee.
9227. That is the person that was mentioned?

—It was Mr. McKee; whether James McKee was the person or not, I do not know.

9228. He told Patterson that he could vote?—Yes.

Cross-examined by Mr. Porter.

9229. Did he say that he saw nothing to prevent him?—Yes.

9230. You do not know whether it was William McKee or James McKee; it is only that his name was McKee?—

9231. Mr. Baron Fitzgerald. Do you know what McKee's Christian name is?—No, I do not know whether it is James McKee; but I understood that it was William McKee.

[The Witness withdrew.]



JOHN ORR, sworn; Examined by Mr. Monroe.

9232. You are a Rate Collector?—Yes.  
 9233. Do you know a man named John Green?—Yes.  
 9234. Was he struck off the list in 1878?—No.  
 9235. When was he struck off?—He never was struck off.  
 9236. Do you know another man named John Green?—Yes.  
 9237. Was a John Green struck off in 1878?—There was.  
 9238. Who is the John Green that was struck off?—

Mr. Murphy objected to the course of examination, and submitted that the registry list should be produced.

9239. Mr. Monroe.] Is this the revised list for 1878 (*holding a list to the Witness*)?—Yes.  
 9240. Tell us the number of the man whose name was struck off, and his place of qualification?—"114, John Green, of Drumanacconaher, rated occupier; valuation 12 l. 5 s. Objected to, and struck out and initialed by the chairman."  
 9241. Do you know John Green, whose name was struck off in 1878; I am mistaken in saying it was 1878; it is the revised list of 1879. Do you know John Green who was struck off?—Yes.  
 9242. Was it for having parted with his qualification?—Yes.  
 9243. Have you seen that man, John Green, here?—I have not.  
 9244. Is there another John Green of Drumanacconaher?—Yes.  
 9245. Is he resident there still?—Yes.

9246. He is a different man from the other?—Yes; there are three John Greens.  
 9247. There are only two in the list?—Yes.  
 9248. Do you know who the other man is; do you know that man (*pointing to a man in Court*)?—No.  
 9249. Is that the man who was struck off?—No.  
 9250. Is that the man that is there; this man that appears in Court; had he ever a vote at all?—No, never.  
 9251. Then he is not either of the John Greens that was upon the register?—No.  
 9252. Who is this man?—He lives in the same townland.  
 9253. Has he any property?—He has.  
 9254. But he never was on the registry?—No, not this 10 years, at any rate.  
 9255. Not as long as you were acquainted with it?—No.

Cross-examined by Mr. Murphy.

9256. Has he a farm at his place, Drumanacconaher; the man you are looking at now?—Yes.  
 9257. How is it that he was not upon the register; is the farm too small, or not?—It is only 8 l. 15 s. valuation.  
 9258. And there were two John Greens, then?—Yes.

[The Witness withdrew.]

Mr. Macdonagh stated that as the other witnesses had not arrived he would postpone this case until they did so.

JOSEPH BELL, sworn; Examined by Mr. Kibbey.

9259. You are Clerk of the Poor Law Union?—Yes.  
 9260. Where?—At Newry.  
 9261. Have you got the lists of last year?—I have.  
 9262. Will you produce the list in which you will find the name of Joseph Lesley; the supplemental list?—Yes, on the long list of last year, at 235. Alexander Lesley appeared on the numerical letter; it should be Ledley, not Lesley; I corrected the list. It appeared in the list as Ledley; in this year's long list the same misprint appeared.  
 9263. What is the number opposite his name?—Two hundred and thirty-five.  
 9264. Is that the list which was revised this year?—I hold a duplicate in my hand.  
 9265. What is the name as it appears in that list?—It is Lesley.  
 9266. You have corrected it to Ledley?—Yes, it appears correctly on the supplemental list, and then it is wrongly printed.  
 9267. In what is called the long list?—Yes.  
 9268. Do you know Mr. Ledley yourself?—I do.

Mr. Baron Fitzgerald.] How does the name appear in the list revised by the barrister in 1878.

Mr. Macdonagh stated that the question was one of identification, and that the misprint ought not to have prevented the man voting.

Mr. Baron Fitzgerald.] The list furnished by the clerk of the union is no authority whatever. I do not know what we have to do with the correction of the clerk of the union, unless it is accepted by the barrister, and inserted in the list.

Mr. Macdonagh stated that the evidence was in reference to the tendered paper of Mr. Ledley which was refused by the sheriff.

9269. Mr. Kibbey (*to the Witness*).] Do you know Mr. Ledley yourself?—I do.  
 9270. And you know him to be the person who is so described in the supplemental list that I have just read?—I do.  
 9271. Mr. Macdonagh.] You know him to be of Moneymore?—Yes.  
 9272. And his qualification is 32 l.?—Yes.  
 9273. And Canver and Corcoran?—Yes.  
 9274. Is there any man of the name of Lesley?—No; it is a misprint.  
 9275. Mr. Baron Fitzgerald.] Nobody offered to vote in this gentleman's name except himself?—No.

Mr. Baron Fitzgerald.] The reason why his vote was refused, was that there was a misprint of his name.

Mr. Macdonagh.] That is so, my Lord.

[The Witness withdrew.]

## WILLIAM MCCLUNE, sworn; Examined by Mr. Munroe.

14.  
McClune.  
25 June  
1890.
9276. Do you recollect going in to vote at the last election?—I do.  
9277. You did not vote?—No.  
9278. You refused to take the oath?—Yes.  
9279. At what polling station?—Florida.  
9280. You refused to take the oath when tendered you?—Yes.  
9281. Because you were not the right man?—I thought I was the right man.  
9282. Who told you you were the right man?—I saw it in the list of voters.  
9283. Who came out for you to go in?—No person came out; I was sent for.  
9284. Who sent for you?—Both parties.  
9285. Do you know John McClune?—Yes.  
9286. Do you know Henry Boyce?—Yes.  
9287. Did you come into the polling station with them?—No.  
9288. Who did you come in with?—I do not remember.  
9289. Did you see John McClune that day?—Yes.  
9290. Was he speaking about voting?—Yes.  
9291. Did you see Henry Boyce that day?—Yes.  
9292. Were they speaking about voting?—Yes.  
9293. Did you see them when they came in to vote?—Yes, I saw Henry Boyce.  
9294. Where?—At the Court House door.  
9295. Have you known John McClune any time?—Yes.  
9296. Does he live near you?—Yes.  
9297. Is he any relation?—He is a friend.  
9298. What relation is he?—A cousin.  
9299. Did he go for you?—No.  
9300. Who went for you?—I was not well, and the car came to the door.  
9301. Did it come by itself?—No, a man was driving the horse.  
9302. Who drove it?—I do not know the man.  
9303. Try and find out; did you see him before?—Yes.  
9304. Who is he?—I cannot say.  
9305. In whose employment is he?—I do not know.  
9306. Where did you see him?—Out at Castle Halsy.  
9307. Do you believe they sent the car for you?—I cannot say.  
9308. What is your opinion?—I cannot say.  
9309. Was it John McClune?—No, he never spoke about a car.  
9310. Was it Henry Boyce?—Henry Boyce.  
9311. Along with the car?—Yes.  
9312. Was he so it?—Yes.  
9313. Tell me out at once; you will have to do it in the end?—He did not ask me.  
9314. Where does Henry Morris live?—In the same townland.  
9315. How long have you known him?—I have known him these 40 years, may be; I was reared in it.  
9316. When did your father die?—He died on the 4th March 1879.  
9317. You of course never sent in any claim to be put upon the registry?—No, I thought I had no right when my name was in the voting list.  
9318. Was your father in possession of the farm up to the time of his death?—No.  
9319. Who was?—Myself; he had nothing to do with the farm the last 25 years.  
9320. Was your father the tenant?—Yes; we were both of one name.  
9321. Was your father the tenant?—Yes; we were both of one name.  
9322. Your father was tenant of the place?—Yes.  
9323. And rented for the place?—Yes.  
9324. Was Henry Boyce an agent of Mr. Crawford's?—I could not say.  
9325. Did you come in on the car with them?—Yes, we went to Florida together.  
9326. They brought you to vote?—He brought me to the polling booth and got off the car.  
9327. Was that Henry Boyce, senior?—The eldest one.  
9328. When you went into the booth, what took place?—Samuel Kerr said, I had no vote.  
9329. He objected to you on behalf of Lord Castlereagh?—I do not know for who.  
9330. Did he ask you if you would take the oath?—No.  
9331. Who asked you if you would take the oath?—I cannot say.  
9332. What did you say?—I could take the oath with a clear conscience, but I would not do it.  
9333. When you could do it with a clear conscience, why did not you do it?—It is very little trouble to come in.  
9334. Was it not far less trouble to kiss the book?—I did not do it.  
9335. Why?—Because I would not do it.  
9336. Because you knew you were not the man; was not that the reason?—What was the reason my name was in the list.  
9337. Was not it your father's name?—We are both one name.  
9338. Why did not you take the oath?—Because they tell me I might please myself.  
9339. Why did it please you not to take it?—I would not take it.  
9340. Why?—Because I could take it with a clear conscience.  
9341. Why did not you?—I just pleased myself.  
9342. What was the cause of the pleasure?—That was the very reason.  
9343. What was the very reason?—I did not do it.  
9344. Is that the only reason you can give me?—Yes.  
9345. Was Boyce behind you at the time?—No.  
9346. Where was he?—Outside the door.  
9347. He sent you in to see what chance you had of getting on?—No; I do not know whether I had any chance or not.
- Cross-examined by Mr. Murphy.
9348. How old was your father?—Eighty-eight years when he died.  
9349. How long was it since he had anything to do with the farm?—Twenty-five years.  
9350. Who paid the rates and taxes since?—Myself.  
9351. Were you the eldest son?—I was not.  
9352. Are you in possession of the farm now?—There was not a brother about the house for 30 years but myself.
9353. You

9353. You were in possession of the farm when your father died?—I had everything against me. It was never Matthew McClune, senior or junior, but William McClune.

9354. Was there a placard on the car that took you in?—It was not.

9355. You do not know whose car it was?—No.

JAMES CARSE, sworn; Examined by Mr. Moore.

9359. Do you remember the day of the polling?—Yes.

9360. What district were you in that day?—Florida.

9361. Did you drive a car that day?—No.

9362. Do you remember that a car of the last witness was there?—Yes.

9363. Do you know who engaged the car?—No.

9356. Mr. Baron Fitzgerald.] Did you vote in 1878?—No; my father was living.

9357. And he voted?—No, he did not; he was past work 10 years.

9358. You did not vote because he was living?—I did not go when he was living.

[The Witness withdrew.

9364. Did you see the car going out?—I saw the car on the road going.

9365. How far from McClune's house?—I suppose, about half a mile.

9366. Did you see the car on the road coming in?—Yes.

9367. Was McClune on it, with Henry Boyce?—Yes.

[The Witness withdrew.

SAMUEL KERN, re-called; Further examined by Mr. Moore.

9368. You were one of the personation agents in the booth at Florida?—Yes.

9369. Do you know a man called John McClune?—Yes.

9370. Do you know a man called Henry Boyce?—Yes.

9371. Did you see John McClune and Henry Boyce in the polling booth in Florida that day?—I saw John McClune recording his vote, and after he had done that he asked the presiding officer if there was a William McClune on the list, and the presiding officer said there was. I said that that man was dead, and he said it was not my business. The presiding officer said they wanted no dead men there. John McClune said he would fetch a living man.

9372. Did you see Boyce there?—I saw him about the court outside.

9373. You knew John McClune before this?—Yes.

9374. As a canvasser for Mr. Crawford?—I did not see him canvassing.

9375. Was he acting in the booth for Mr. Crawford?—No, he was not.

9376. What was he doing?—I did not see him doing anything but coming in to vote.

9377. He said he would bring in the living man?—Yes.

9378. How soon after did the living man appear?—Some little time; an hour or two hours.

9379. Who brought the living man in?—I believe he came into the polling booth himself.

9380. Did the living man turn out to be William McClune?—Yes.

9381. That is the man who tried to give the vote?—I objected to him, when he did come in, getting his ballot paper.

9382. You thought he was not the dead man?—I believed so.

9383. Who was present when William turned up in the booth; did you see Boyce there?—No, I did not see Boyce.

9384. What passed?—He came in for his paper, and I objected to his getting it.

9385. What did you say to him?—He said, "What do you object to me for?" I said, "I would object to my brother if he was doing the same thing;" and he stood at the side before the presiding officer till the agent had some conversation with the agent that appeared for Mr. Crawford.

9386. Who were they?—James McKeo and Mr. McCoskey, I believe, and James Michael. I did not hear what conversation passed between them, but the presiding officer asked them if they were going to fetch the man forward, and they said they thought they had better not.

9387. Then he did not get a paper?—No.

9388. Did he apply for his paper?—I objected to him when he came forward for the paper.

Cross-examined by Mr. Porter.

9389. After that, you saw, Mr. Moore said that he asked for the paper?—I did not say he asked for the paper.

9390. Did you hear Mr. Monroe add that to your evidence this moment?—I do not believe I did; I do not remember it.

9391. Did he ask for any paper at all?—I do not believe he did.

Mr. Justice Barry.] The witness objected before the man came forward for the paper.

Re-examined by Mr. Moore.

9392. What did he come forward to do?—I expected he came forward to vote.

[The Witness withdrew.

JOHN MCCLUNE, sworn; Examined by Mr. Moore.

9393. Where about the polling place at Florida on the day of the polling?—Certainly I was; I was there voting.

9394. Do you know William McClune?—I do.

9395. Where did the old gentleman die?—He has told you that already.

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9396. The man that is dead did not speak a word; you knew the old gentleman was dead?—Yes, he is my uncle, or he was my uncle.

9397. Do you remember going out for that young gentleman to vote?—For young William McClune?

9398. The very man?—I do not remember it.

E 2

9399. You

W.  
McClune  
23 June  
1880.

J. Carse.

S. Kern.

J.  
McClune.

J. P. Clave. 9309. You do not?—The reason I will tell you. I will tell you the truth. As I was going away the morning of the poll at Florida, I called for my cousin, William McClune. I asked him whether he was going to poll to-day, to give his vote, and who he was going to vote for. He said he did not know, he had papers from both parties, Castlereagh and Hill. I went right ahead to Florida to vote. "When you go there," he said "ask whether my name is in the voting list or poll list," whichever he called it. Very well, I did ask, and they said it was.

9400. Did anybody say that that man was dead?—Yes, Samuel Kerr did. I did not know who he was; a great term of a word, some kind of an agent.

9401. Personation, that is the thing?—Yes.

9402. He said the man was dead?—Yes.

9403. "Well," said you, "I will produce the living man?"—I said, "Well, I will produce the living man."

9404. Nothing could be surer; then you told your friend Boyce that it would be better to get a car for the poor man?—No, I did not.

9405. How did you get the car?—I knew nothing of a car.

9406. The car did not go out itself, how did the car get there?—I knew nothing of it.

9407. Mr. Baron Fitzgerald.] How did you go about getting the living man?—I came on direct home from Florida, and I went in and told him his name was on the voting list, and I did not know, he might go there and see for himself. I did not come on Boyce's car.

9408. Who said you did?—You said it.

9409. No, I did not?—Well, I thought you did.

9410. At all events, did you tell him there was a car coming for him?—I told him that I thought, by what I had heard, that there might be a car some time before five o'clock.

9411. There might be a car just dodge out by itself and take him up?—No, I beg your pardon.

9412. I am too insinuating?—Give a farmer justice in the country.

9413. I will insinuate no more?—Have I done?

ROBERT McILWAIN, re-called; Examined by Mr. Kinsley.

9428. Is that the supplemental list?—They are both here.

9429. Do you find on the long list William McClune, rated in 1879?—Yes.

9430. Is there any observation opposite it?—There was no change made in the last revision.

9431. And the name does not appear in the supplemental list or on the claim list?—On neither.

Cross-examined by Mr. Porter.

9432. As a matter of fact, in settling the lists, when the rate collectors find a man in possession

JAMES WILLIAMS, sworn; Examined by Mr. Monroe.

9434. ARE you an hotel keeper?—No.

9435. You were the personation agent?—Yes.

9436. Do you know a man called John Green?—Yes, I do.

9437. That is the man who was examined here?—

Mr. Baron Fitzgerald.] He was not examined at all.

9414. I do not know; have you done yourself? Who told you the car was to go out?—Well, I will just tell you if you give me a minute of breath. I believe it is Henry Boyd. And see here, I will tell you more, far more, than you would like to know. See now.

9415. See, friend, do not make speeches; when did Henry Boyce tell you the car would go out?—At Florida, somewhere about the road.

9416. Was it after you said you would produce the living man?—Yes.

9417. Then you went and told Boyce?—Told Boyce what?

9418. That the living man should come?—Yes, surely, it was the living man; I was not going to bring a dead man.

Cross-examined by Mr. Murphy.

9419. Did Samuel Kerr and you know old William McClune?—Yes, he did.

9420. Just as well as you knew him?—Yes.

9421. And he knew he was dead?—Yes.

9422. When you went in you told William McClune you would see whether his name was on the register?—I did.

9423. You found it was on the register when you came in?—I did.

9424. Did you believe he had a right to vote?—I had nothing else to believe when his name was on the voting list. I thought so.

9425. Was he in possession of the farm that his father had?—He was this 20 years, I suppose, and did all the business.

9426. And you came back and told William McClune his name was on the register, and to go and see for himself?—Yes.

Re-examined by Mr. Monroe.

9427. And was not it a great shame that he did not vote and take the oath like a man?—I do not know; it is a question for his conscience; I do not know about it, Mr. Monroe.

[The Witness withdrew.]

Mr. Monroe stated that the certificate of death was dated the 4th of March 1879.

they do not put him upon the lists?—The custom is this: even suppose the man is of the same name and address, they put him on the supplemental list, and object to the former occupier on the long list.

9433. Suppose he did not object to anybody, does not the list consist of men who have never claimed at all?—I do not know.

[The Witness withdrew.]

Mr. Monroe stated that he would now revert to John Green's case.

(John Green was called forward.)

9438. Mr. Monroe.] Do you see that man?—Yes.

9439. Did you see him at the polling booth?—I did.

9440. Did he ask for a paper?—He asked to get voting; he came in to get a vote, he said.

9441. Who

9441. Who brought him in?—I cannot swear at present who the parties were that came in, but I believe James Hewitt was one of them; I will not positively swear it; and Wallace asked him forward to the table.

9442. Did you see McRoberts there?—Yes.

9443. Was he agent for Mr. Crawford?—He was personally agent upon the other side.

9444. Was he present?—He was.

9445. What was said to the old man when he was asked to vote?—The presiding officer said, "John Green, one party voted."

9446. What did he say to that?—He said he was entitled to vote, he had always a vote.

9447. Was he asked to take the oath?—There was a kind of consultation held between two of Mr. Crawford's men; they consulted a little, and they said, "Put the question." The question was put to Green, and he answered the question, that he was the John Green on the list. They also said, "Put the oath;" and when the book was put into his hand and he was about to take the oath, he said, in answer to the question being put, that he was the John Green and that he had always a vote, and that he came to vote, and that he did not know why he should not vote; they should look at the list. After a little consultation again between those parties I have mentioned, McRoberts and Cameron, and the returning officer, the presiding officer turned to me. During all this time I did not speak, because I wanted to hold my tongue till the man would receive his paper. During all this time I did not speak, and the presiding officer turned to me and said, "I think he is not entitled to vote." Said I, "If you are satisfied with his question and answer, it is for yourself to let him vote or not." "I am not satisfied," he said. "Then," said I, "I think he has no vote."

9448. The other John Green had voted?—Yes, and I knew the other John Green myself.

9449. Were there two other John Greens?—No.

9450. He voted out of Drumacreeher?—Yes; he had voted before this man had come up.

ROBERT F. WALKER, sworn; Examined by Mr. Kirby.

9464. You are proprietor of a hotel in Ballymahinch?—I may say I am.

9465. You are connected with it?—I am.

9466. Do you remember the day of polling for the last election?—Yes.

9467. Do you remember a car being engaged to go out for a man named John Green?—I do.

9468. By whom were you engaged?—By Mr. McRoberts, and Mr. John Campbell, the day before.

9469. What is his christian name?—Hugh Robert McRoberts.

9470. What is Campbell's name?—John.

9471. And a car having been engaged the evening before, did you leave your house apparently for the purpose of going for Green?—Yes, I did, with three others.

JAMES WATSON, sworn; Examined by Mr. Mevor.

9478. ARE you a car driver?—No, I do not drive generally.

9479. Did you drive particularly on the day of the poll?—Yes.

9480. Do you remember driving out to the house of the man, old John Green?—Yes.

220—Sess. 2.

Cross-examined by Mr. Murphy.

9481. Was it Mr. Crawford's agent said "Put the question and put the oath to him"?—Yes.

9482. So far as you thought, did he know anything about the man?—They appeared to know all about him.

9483. They said "Put the question to him and put the oath to him"?—Yes.

9484. Was that the only way they seemed to know anything about him?—I saw more; when he came in there was a commotion between the returning officer and the two agents.

9485. Tell me what you heard?—They were on the other side of the returning officer and the presiding officer from where I was. I could not hear what they said, because it was a kind of whisper; but after a little the man came forward and presented himself. He was very slow to come up to the table. He applied for a paper, and what I told you is what took place.

9486. The result of the commotion with the presiding officer was, that they desired him to put the question and put the oath to him?—Exactly.

9487. How long before that had the other John Green voted?—I could not exactly say that.

9488. But the other John Green had voted?—Yes.

Re-examined by Mr. Mevor.

9489. They appeared to know all about him?—Yes.

9490. The voting paper would not be given to the man until they asked the question and put the oath?—Yes.

9491. And they asked the question, and requested the oath to be put?—Yes.

9492. Had those men been in the booth during the day?—Yes, all day.

9493. And when the other John Green voted?—Decidedly.

[The Witness withdrew.]

9472. Who were on the car when it passed your house?—There was no one on the car the first time it left at 8 o'clock in the morning.

9473. Do you remember Green being brought in?—Yes.

9474. Who was on the car when it went for Green?—James Hewitt.

9475. Was he acting for Major Crawford at the last election?—I cannot say I know he was acting, but I believed him to be acting.

9476. He was on the car going out?—Yes.

9477. Who were on the car with Green when he came in?—I cannot say; the driver could tell it, but I could not.

[The Witness withdrew.]

Examined by Mr. Mevor.

9481. What time of the day did you go out first?—I left about eight o'clock in the morning.

9482. Who went on the car with you?—No one at first.

9483. Who sent you?—Mr. Walker.

9484. Were you in Mr. Walker's employment at the time?—Yes, I worked for him.

E E 2

9485. You

J. Williams.

25 June  
1880.

R. F.  
Walker.

J. Watson.

*J. Hewitt.* 9485. You were directed to go out to old John Green's house?—Yes.  
 9486. Did you see him?—Yes.  
 9487. Did you ask him to come in?—Yes.  
 9488. Did he refuse to go?—Yes, he refused to go, saying he was not fit.  
 9489. Did you come back again without him?—Yes.  
 9490. When you came back without him, whom did you see?—I saw no one until about three o'clock.  
 9491. Who did you see then?—Mr. Kilpatrick and James Healey.  
 9492. Who is he?—A farmer living near Ballymahinch.  
 9493. Who is Kilpatrick?—A general merchant in Ballymahinch.  
 9494. Where did you see him?—On the street. I was taking out the car to take the other two men, I had brought in, home.  
 9495. What directions did you get?—To go back again to John Green's.  
 9496. That was about three o'clock in the day?—Yes.  
 9497. Did anybody go in the car with you?—Yes, James Hewitt.  
 9498. Who is he?—A farmer.  
 9499. Was he a suspecter of Crawford's?—I cannot say.  
 9500. Were you not able to take your other cargo back again?—No, I was not.  
 9501. Were you sent off to Green at once?—Yes.  
 9502. Did you go out to Green?—Yes.  
 9503. Did you bring the old man back again?—Yes.  
 9504. When you came back again to the polling place, did you see anybody?—I saw Healey.  
 9505. Did you hear anything said about a glass of whiskey for him; did you hear anything said

when you and Healey went to the house about punch, or anything, to the old man?—I think I heard Hewitt promise to give him a glass of whiskey or a glass of punch.  
 9506. Where?—In his own house.  
 9507. Where did he say he would give it him?—In Ballymahinch.  
 9508. That is, when he came in?—Yes.  
 9509. When you came into Ballymahinch, where was the old man taken to first?—I cannot say whether he went to the market place first, or a public-house.  
 9510. Was he taken to a public-house?—Yes.  
 9511. Who did you see there?—James Healey and Hewitt.  
 9512. What was given to him?—I think a glass of whiskey.  
 9513. Was he sitting on the car at the time?—He was sitting on the car.  
 9514. After getting the whiskey, what became of him?—I took him home.  
 9515. Was it before or after he got the glass of whiskey he went in to vote?—I cannot say.

Cross-examined by Mr. Porter.

9516. Was the old man delicate and in ill health?—Yes.  
 9517. He appeared weakly?—He appeared very weak.  
 9518. Do you think yourself guilty of any crime to be sent to goal for, by driving him in on the car?—No.  
 9519. You did not know whether he was the John Green on the register or not?—No.

Mr. Macdonough stated that Hugh Robert McRoberts, of Ballymahinch, was an agent of Mr. Crawford, according to the list.

[The Witness withdrew.]

JAMES HEWITT, sworn; Examined by Mr. Kiskey.

*J. Hewitt.* 9520. You are a voter for the County Down?—Yes.  
 9521. And you voted at the last election?—Yes.  
 9522. You took a pretty active part for Major Crawford?—I did not.  
 9523. You were active enough to go out on a car for John Green?—I was asked to go out.  
 9524. Who asked you?—Kilpatrick and James Healey.  
 9525. Had you been in Mr. Crawford's committee rooms at all?—No, I never was.  
 9526. Did you do any canvassing for him?—None. I merely went out in the car for the man.  
 9527. Did you go out in the car for anybody else?—No.  
 9528. And you were sent out by Kilpatrick and Healey?—Yes.  
 9529. You had voted yourself before you went out?—I had, and I was coming home afterwards.  
 9530. Do you remember, when you went out for Green, having a talk with him to induce him to come in?—Yes; he said he was not able to come, and I said I would help him in.  
 9531. You told him you had a car?—Yes.  
 9532. Did you tell him you would give him anything?—He said he had a vote at the last election, and they allowed him to vote before.  
 9533. That is not what I ask; did you tell him you would give him a glass of whiskey or punch

when you got into Ballymahinch?—I said I would treat him because he was not able to come, but not till after the voting was over.  
 9534. You would not treat him till after he voted?—I did not give him a drop before.  
 9535. "Vote first and get your liquor after;" after he came out, you gave him a glass of whiskey?—Yes; there were five along with myself.  
 9536. The others had voted before?—I think they were for Castlebragh.  
 9537. The secrecy of the ballot would prevent you from knowing that?—I think some had voted.  
 9538. After they had come out from voting, you treated five or six?—Five along of myself.

Cross-examined by Mr. Murphy.

9539. Did John Green tell you he had voted at the former election of 1878?—Yes.  
 9540. Did you believe he had a vote?—I did not know he had a vote.  
 9541. You did not know anything about him?—No.  
 9542. Where did you find him?—In his house, at his own kitchen fire.  
 9543. Did you know him to be living in the townland?—Yes, he lives in the townland with me; he said he gave his vote the last time.

[The Witness withdrew.]

JOHN GREEN, sworn; Examined by Mr. Moore.

9544. Do you remember going in to vote in 1878, two years ago?—Yes.

9545. Who took you in at that time?—I do not recollect.

9546. Were you taken in on a car?—I believe I was.

9547. Was not your vote objected to in 1878 for Mr. Andrews?—It was.

9548. Who objected to it in 1878?—I am drunk of sight; I could not tell.

9549. Did you get a paper that time, notwithstanding the objection?—No, I got no paper.

9550. Who brought you in this time?—I was sent for by a car in the morning. I was badly in health and not fit to go out at all, and I objected to going out; I was poorly in health.

9551. Did they send out again?—Yes, a second time.

9552. Who came out again?—James Hewett and the driver.

9553. What about the tumbler of punch?—I said I was not fit to go out; he said, "If you have a glass of punch, it may make you better, and put you in health." I was sitting at the fire, and not fit to go to any place at all. They hired a covered car.

9554. Did you have a tumbler of punch?—He and I are neighbours, and he treats me often; we are neighbours and relations.

9555. Hewett and you?—Yes.

9556. To keep their word with you, they gave you the punch?—I got nothing till I was fetched into court.

9557. You were fetched into court?—Yes, by the police.

9558. Did they bring you upon the car to the polling place?—Yes.

9559. Who helped you in?—The police.

9560. Did you see McRoberts there?—I could not see nobody.

9561. In you went and gave your vote?—I did not.

9562. You tried?—I answered the questions they asked me; what my poor rates were, and I could not describe the amount.

9563. You know very little about yourself?—No; I was a great age, and I could not tell much about it.

9564. Did they ask you whether you would take the oath as to whether you were on the list at all?—They asked me for my ticket, and they asked me if I could tell the amount of the poor rates, and I could not describe the number or amount. I was not fit to give a vote or turn out.

9565. You were not prepared?—No; they just handed me out.

9566. When you went out, who took charge of you then?—The police; they put me upon the carriage again.

9567. Was it a carriage?—A chaise.

9568. Where were you driven in the chaise?—I was going home, and Hewett said, "You would be better if you went in and had a little punch" in the public house, when all was over.

9569. He kept his word?—Well, he did.

9570. And you got the punch, and went home on the chaise?—Yes.

Cross-examined by Mr. Murphy.

9571. Did any persons go home with you?—No; the car conveyed me out of the town.

9572. Did you vote two years ago?—Yes.

Mr. Baron Fitzgerald.] He said he did not vote.

9573. Mr. Murphy.] Did you vote or not in 1878?—I think I did; they took my paper; I am not acquainted with their ways.

9574. Did any person ask you before the day you went in at the last election for your vote?—No.

9575. Nobody asked you for your vote?—No.

9576. Did you know Mr. McRoberts?—I have seen him before now, but I cannot see him for years.

[The Witness withdrew.]

Mr. Molesworth stated that John Campbell, of Ballynashinch, was returned as one of the agents of Major Crawford, as well as Hugh Roberts McRoberts.

Mr. Moore stated that he would take the case of John Henderson.

JAMES TOMLINSON, sworn; Examined by Mr. Moore.

9577. Where were you personating agent?—At Newry Court House.

9578. Do you remember a blind man of the name of Henderson coming up to vote?—Yes, John Henderson; he was not stone blind.

9579. Was he the person who voted as the blind man?—Yes.

9580. He could not record his vote for himself?—No.

9581. Do you remember whether he was asked for whom he would vote?—Yes.

9582. Just describe what took place when the blind man came up and asked for whom he would vote?—Will it not be divulging the secrecy of the ballot?

9583. Mr. Justice Barry.] You may tell us all about it?—The man came up, and after he made his declaration that he could not see, the inspector read out the three names, Hill, Castlereagh, and

Crawford, and asked him for whom he would vote. He said, "Hill and Craw;" he did not finish the word Crawford, and drew back and said, "Castlereagh;" and Mr. Macdonald, one of Mr. Crawford's gentlemen, asked the inspector to mark the paper for Hill and Crawford. I objected to it, and asked the man for whom he would vote. He said, "Hill and Castlereagh;" that he never meant to vote for Crawford, as it was a mistake; and notwithstanding my objection, the presiding officer, after a good deal of argument, marked the paper for Hill and Crawford.

Mr. Baron Fitzgerald.] That is what the paper will show?

Witness.] I took a note of it at the time, and asked him whether it was not true.

9584. Mr. Moore.] Do you remember a man named

J. Green.  
—  
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*J. Tindal.* named Ledley coming up to vote?—Yes, Alexander Ledley.

15 June 1880. 9585. Did he put in a tendered ballot paper?—Yes, the name on the ballot paper was Alexander Ledley. It was a misprint, and was explained so at the time; but the presiding officer would only give him the tendered voting paper.

JOHN MULBREW, sworn; Examined by Mr. Kistey.

*J. Mulbrey.* 9588. Were you in the Gifford district on the day of polling?—Yes.

9589. And in the polling booth?—Yes.

9590. Acting as personation agent for Castle-rough and Hill?—Yes.

9591. Do you remember a man coming up and applying for a ballot paper in the name of John McConville?—Yes.

9592. What persons were acting for Major Crawford in the booth at that time?—A man called James Chambers and William Canavan.

9593. Did you see them come up with this person who applied for a ballot paper?—They were in the room.

9594. Did he say whether he was qualified?—He told the presiding officer he was John McConville, of Ballynagarick, and the presiding officer looked at the sheet and told him he was John McConville, of Ballynagarick.

9595. Did the person then apply in the name of John McConville, of another place?—He said he could vote for Ballydugan. I told him he was not John McConville of Ballydugan.

9596. Did you know that fact yourself?—I knew the two men personally.

9597. You know John McConville of Ballydugan, who was on the list?—Yes.

9598. Had John McConville of Ballydugan, voted before?—He had.

9599. Did the presiding officer tell this man that?—Yes, he did.

9600. What was done with John McConville then?—He was asked to retire, and was very unwilling to do so, he said he came to give his vote; and wanted to record it.

9601. Were the police brought in question at all?—There was a post passed.

9602. About giving him into custody?—Yes,

HUGH MCCONNELL, sworn; Examined by Mr. Moore.

*H. McConnell.* 9614. Where were you acting upon the day of the poll?—I was not acting at all.

9615. What part did you take in the election?—I attended committee meetings, that is all.

9616. What position had Canavan?—He was secretary to the committee.

9617. Who was the chairman?—John Smith.

9618. You were one of the committee?—Yes.

9619. I believe you were a sort of joint treasurer with Canavan?—No.

9620. Who got the money that was collected?—Canavan.

9621. Was it not divided among you at all?—No.

9622. Do you mean to say Canavan got the whole thing?—Yes, to pay the parties.

9623. Who were the collectors?—Mr. Dixon, Mr. Smith, and Canavan, I believe.

9624. Do you remember Canavan giving you any money to pay anybody?—Yes.

Cross-examined by Mr. Porter.

9586. Who was the presiding officer at the time?—I do not know his name, but I think his name was Hughes.

9587. Mr. Baron Fitzgerald.] This was at Florida, was it?—No, my Lord, Newry Court House.

[The Witness withdrew.

and I told these other two gentlemen he was not worth the money, as they should not have brought him there, as he was not upon the list.

9603. Do you know another John McConville, of Blesary?—Yes.

9604. He was not that man either?—No.

Cross-examined by Mr. Porter.

9605. There was said to be some conversation with John McConville: this man voted for Ballydugan?—He first stated that he could vote for Ballynagarick.

9606. You know the man perfectly well yourself?—Yes.

9607. What connection had he with Ballydugan?—When he was refused, and told there was no John McConville of Ballynagarick, he said he could vote for Ballydugan.

9608. Did he explain that?—He said he had property there. I asked him how long it was since he had sold his property, and he said 16 months, or about that time.

Re-examined by Mr. Kistey.

9609. Did you say Canavan spoke to the man in the booth?—He did not. As soon as I questioned the man, he put his hand in his pocket and took out a pocket-book, and put his name in the pocket-book.

9610. A book which Canavan had?—Yes.

9611. Did you ask who sent for him?—He said some of the committee.

9612. He knew Canavan to be acting as secretary on Crawford's committee?—Yes, I understood so.

9613. He proved that the other day?—He was here.

[The Witness withdrew.

9625. That was to pay McGiverigan 1 l.?—Yes.

9626. You knew he was to get 3 l.?—No.

9627. Did you see he had been put down for 3 l.?—No.

9628. Did you not?—I did not see it. I heard it in evidence that Canavan said he put it down. I do not recollect what he did put down. I did not see his paper.

9629. Did you know of McGiverigan being sent for?—Yes; my assistant wrote for him first.

9630. What is his name?—William Canavan.

9631. He wrote by your directions?—Yes, by my directions.

9632. Is William Canavan, your assistant, any relation to the secretary?—His brother.

9633. It was your assistant, William Canavan, who first communicated with McGiverigan about coming over?—Yes, it was.

9634. Telling



9634. Telling him that his expenses would be paid if he did come?—I did not write that.

9635. What did you write?—At the committee meeting it was talked over who would be likely to vote for us, and amongst them McGivernigan was mentioned. It was stated that McGivernigan was not residing in the place, that he was in England. We asked if any one knew his address, and it did not appear that any one knew his address except myself, and they then asked me if I would be good enough to write to him. I said I would, and when I got home I directed my assistant to write and ask him if he would come over and give his vote.

9636. For whom?—For Mr. Crawford, it was understood.

9637. And that his expenses would be paid?—Yes. The answer was, that he would be happy to come, but he really could not afford it, unless his expenses were paid. I consulted with some members of the committee about the matter, and the decision we came to was, that we would pay him barely his travelling expenses, but not more.

9638. If he gave his vote?—Yes.

9639. Tell me the members of the committee who consulted in reference to that?—Dr. McBride, and Mr. Smith, the chairman.

9640. Are you quite certain you all agreed that that should be done?—Certainly.

9641. Will you hand me McGivernigan's letter promising you that he would come and give his vote?—I have not it.

9642. That is a misfortune; do you know where it is?—I do not know. I do not think I preserved it.

9643. Try your waistcoat pocket now, and see if you have not got it?—The only letters I can give you are these, and they do not bear upon it.

9644. They are not what I want at all. Those letters that do bear upon it I do want?—I have not the letter. I thought it was of no consequence.

9645. How did you preserve those?—Those are matters connected with money affairs between me and I.

9646. I suppose you have no objection to allow me to look at them?—Not the slightest. (*The Witness handed several papers to Mr. Meares.*)

9647. When did you write this little blue paper?—I just put it down after I got the subpoena, I think.

9648. As a memorandum of what you were likely to be asked?—Yes.

9649. How long after you got the subpoena did you put it down?—I should think, the Saturday evening afterwards.

9650. Was that last Saturday evening?—Yes, last Saturday.

9651. Were you talking at all to anybody about the effect of Canovan's evidence?—Since yesterday evening?

9652. Yes, since he gave his evidence?—I was speaking to two or three. I was saying he did not give his evidence fairly; that he conveyed rather a wrong meaning to the court.

9653. Who did you convey that information to?—I was speaking to himself, and some others in the street.

9654. Who were the others?—John Maguire was one.

9655. Were you speaking to any of the agents at all?—Who do you mean by agents?

260—Sess. 2.

9656. Anybody representing Mr. Blakely Macartney?—I wrote a note to this gentleman this morning explaining the matter.

9657. Who is this gentleman?—Mr. Wylie.

9658. I suppose there is no harm in reading this paper?—Not a bit.

9659. This is to refresh your memory as to what you were disposed to say in the event of being examined: "At a meeting of Crawford's committee, in Gifford, on reading over the list of voters, and who would be likely to vote with us, Thomas McGivernigan's name came forward, but now, residing in England, they were at a loss for his address. I said I had it. I was requested to write him 'Requesting' you had it first, and then you scored that out; that would be a little too strong; and you say, 'writing, asking his vote. My assistant did so. He wrote to say he would be happy to come, but had not the means. On further consultation, I was instructed to say to him they would pay his fare, but no more. He came.' Then you have the word 'they;' you scored that out, and you write over it 'I' it was allowed him. After the election he called on me respecting the 'what? the interest?—The expenses."

9660. That is not "expenses"; what is that word?—Respecting the interest on the bond that he owed me after the election.

9661. Did he owe you a trifle?—Yes.

9662. Is that a mortgage you have on his property?—Yes.

9663. "Called on me respecting the interest he owed on his bond to say he was going to auction his grass to pay me; but before doing so, he would be obliged to pay the cess and poor-rate, and requested I would lend it to him, which I did, 1*l.* 1*9s.* 1*d.* I never saw him or his money since." Is that so?—No.

9664. I suppose that 1*l.* 1*9s.* 1*d.* was in addition to the 1*l.* you gave him?—By no means.

9665. You do not mean to say that the 1*l.* was included in that?—He had not got the 1*l.* at all.

9666. Was the 1*l.* included in the 1*l.* 1*9s.*?—By no means.

9667. That is what I say; it was a separate transaction?—A separate transaction.

9668. That is nearly altogether 3*l.*?—I had nothing to do with it.

9669. That is just within 10*d.* of 3*l.*?—I had nothing to do with it. He came over to auction his grass in order to pay me my interest. He came over and said, "I cannot auction my grass, no person will buy until the poor-rate and cess are paid; will you lend me as much as will pay them?" I said I would, and I gave it to him.

9670. He was coming over to auction the grass, was he?—Yes.

9671. Is it not curious that you paid his expenses to come over and auction his grass?—It was coming over to vote, and then, when he came over to vote, it was that he went to auction with his grass, to kill two birds with one stone.

9672. Then there was less necessity to pay his expenses?—He managed to do so when he came over.

9673. I see this document is filed?—Yes.

9674. Did you only file the important documents?—Those are documents relating to my own business, not to electioneering business at all.

9675. Did you destroy them?—No; I preserved them.

E 2 4

9676. Do

H.  
McCauley.  
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25 June  
1880.

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McConnell.  
25 June  
1860.

9676. Do you mean that you did not destroy them?—I know nothing about it.

9677. What became of the other documents?—I suppose, thrown into the waste-paper basket.

9678. Have you any accounts at all in connection with the election?—None.

9679. The money was collected, and it was never sent to Mr. Brett, the expenses agent?—I believe not; I do not know anything about that.

9680. You got in the money, and paid it in as you liked?—I got 1 l. to pay McGiverigan.

9681. That was with the assent of the other members of the committee whose names you have mentioned?—It was. If you like to know, I will tell you with regard to the 5 l. you are speaking of.

9682. I know all about it now?—I do not think you do.

9683. Then you can tell it to Mr. Porter?—I will.

Cross-examined by Mr. Porter.

9684. Had this 1 l. 19 s. 1 d. anything to do with the man's vote in any shape or way?—Nothing whatever.

9685. Have you told us the purport of the letters that were written to him?—Yes.

9686. That he would get nothing but his train fare?—Yes; I wrote to him distinctly that he would get nothing but his train fare.

9687. Did he say he would come over and vote?—He did.

9688. Did he get any money before he came over?—He got none before he voted; and he called on me on the day after the election and said,

"Will you pay my expenses?" I said, "You know, Thomas, I have not to pay the expenses; it is the committee: How much are they?" He said, "3 l." I said, "You will not get that; I wrote distinctly to say that you would get your expenses, but no more." But I said I would report it to the committee. When I saw Canovan I mentioned to him that McGiverigan claimed 5 l. Canovan entered 3 l. in his list with the understanding that perhaps he must take less, if they found that 3 l. would more than cover the expenses. They would see what cash was enough to cover all the items.

9689. Nothing was allowed him, as a matter of fact?—Nothing but the 1 l.

Re-examined by Mr. Mourse.

9690. Did Canovan happen to mention, in the course of the observations upon that, that he had got something from the other side?—Nothing. We were scrutinising the different accounts, and then they calculated, as well as they could, what would be his travelling fare, and they said 1 l. should pay it, and 1 l. was voted for, and that 1 l. was handed to him.

9691. That was merely his expenses in coming over to vote?—Yes.

9692. Having promised to support your candidature?—Yes.

[Mr. Macdonagh stated that Mr. John Canovan was one of the agents of Major Crawford.]

[The Witness withdrew.]

JOHN MACDONAGH, SWEAR, Examined by Mr. Mourse.

J. Mourse.

9693. WHERE were you sitting at the last election?—Moira.

9694. For Mr. Crawford?—Yes.

9695. Were you a treasurer of a fund yourself?—I was treasurer of everything.

9696. All rolled into one?—Yes.

9697. Did you collect the money, or did you do that by deputy? I mean, the money collected for the expenses of the election?—There was a sum of 5 l. given to me about three weeks ago, which I was told to give towards the expenses of the election.

9698. Did you collect anything in Moira?—I did not.

9699. Did you get any money in Moira?—I will tell you what I got.

9700. Only 5 l.?—Only 5 l.

9701. Was that all you got altogether?—That was all I got altogether.

9702. That you got only about three weeks ago?—Only about three weeks ago.

9703. Did you spend all the money out of your own pocket before you collected any?—I did.

9704. Every shilling?—I did.

9705. Then you are a fine, generous fellow. There was a man for four days, at 10 s. a day; who was that man?—Anthony Dillon.

9706. What was he paid 10 s. a day for?—Distributing singlers through the districts, and newspapers.

9707. You are aware, of course, that he is a voter and voted?—He did not vote.

9708. Are you sure of that now?—Yes, I am sure.

9709. Do you know he has voted?—I know he has voted.

9710. Who was the personation agent at the poll?—This Anthony Dillon and myself.

9711. Did you pay Dillon anything for acting as personation agent?—I paid him altogether 5 l.

9712. Did you pay him anything for acting as personation agent?—That included everything.

9713. Did you pay him anything for acting as personation agent?—He sent in an account to me of 15 l.

9714. Did you pay him anything for acting as personation agent?—£. 9 I paid him, including the 10 s. a day; and 30 s., I think, was set down for acting as personation agent.

9715. Did you never get anything except 5 l. towards these expenses?—I never got anything.

9716. You expect to get it when it comes in?—I do not.

Cross-examined by Mr. Murphy.

9717. Five pounds was all you got for the Moira district?—That was all.

9718. That was collected among the people themselves about there?—It was.

Further Cross-examined by Mr. Porter.

9719. Did you canvas in the neighbourhood?—I was through all the districts.

9720. Speaking to the voters?—Yes.

9721. Did any of them speak to you in reference

ence to a newspaper about the secrecy of the ballot?—Every one that I called at.

9722. What was the feeling amongst the voters about it; what did they say to you on the subject?—They said it looked as if there was no secrecy in the ballot, and that they would be very timorous about voting.

9723. Did you see the newspaper with any of them?—I did.

9724. Is that the newspaper we have had here about "Is the Ballot Secret"?—Yes, there was one sent to myself.

9725. Was it marked?—I really cannot recollect now whether it was.

Re-examined by Mr. Moore.

9726. How long have you been here?—Since Monday morning.

9727. When did you first tell that to anybody acting for the Petitioner?—I wrote to Mr. Brett about it.

9728. How long ago?—I should say six or seven days before the election.

9729. Then you had all this information as to what you could say long before the election?—Yes.

9730. Mr. Baron Fitzgerald.] Can you give the names of any of them?—I think, my Lord, every house I called at.

9731. Mr. Macdonagh.] That will not do?—I really could not; I called on 40 or 50 people.

Mr. Murphy.] Search your memory.

9732. Mr. Macdonagh.] I will ask you, sir, by the virtue of your oath, can you give the names of the persons of whom you have been speaking now?—I suppose if I had the list I could.

9733. You have not the name of one in memory, and you gave all this information to Mr. Brett six weeks ago?—I wrote to Mr. Brett saying—

9734. I am not asking you what you wrote to him?—Allow me to explain.

9735. I do not require any explanation; I ask you a simple question; did you give this information to Mr. Brett five weeks ago?—I told him what I have stated here in court. My Lord, I wrote to Mr. Brett.

9736. Mr. Justice Barry.] So you said; did I hear you say that if you looked at the list you would be able to specify persons who saw the paper?—I said probably I would, my Lord. I went round the district simply for the purpose of seeing that the circulars that I had sent out by this man Anthony Dillon had been properly distributed. There were two other gentlemen with me canvassing. During that time I had to look to see that the papers were distributed, merely as a check on the man to see whether he had done his work efficiently. When asking about my own papers, I was then told that this other paper had been distributed extensively throughout the district. I believe I did not call on any one who said they had not received one. I got one myself, so I know it came to Meira.

9737. Mr. Porter.] You said you could tell by reference to a list?—Yes.

9738. What list?—The voters' list.

9739. Could you do it by seeing the general list, the list of the voters for the particular dis-

trict?—I could if I had a list of the places we went round.

Mr. Macdonagh objected to that list being referred to at the present moment.

Mr. Baron Fitzgerald stated that the witness could refresh his memory by reference to the document.

9740. Mr. Justice Barry.] What list had you with you?—I had not a list at all, my Lord. We had a number of circulars in the car with us, and we took advantage to go round to distribute them. On that day we called on 40 or 50 people, I should say.

9741. Mr. Porter.] Can you tell me some of the houses you called at?

9742. Mr. Moore.] He has said three times that he cannot?—I am perfectly satisfied that what I state is correct.

Mr. Murphy.] Try and recollect them.

9743. Mr. Baron Fitzgerald.] I do not suggest that you want to deceive anybody at all, but when you say that a particular man said so-and-so, the only way is to divide it into each individual statement, and see what each said?—I can answer now to several. There was a man of the name of William Taylor who said he received one of the papers; another man of the name of Pattison.

Mr. Baron Fitzgerald.] We could not take it upon the wholesale evidence that everybody said so-and-so.

Mr. Kinsley.] We must have Taylor's address.

9744. Mr. Porter.] What did he say about it?—He said he had received one of these papers. Look in the list to see what district he is in.

9745. Did Taylor say anything more than that he had received a paper?—Just that he had received one of the papers with the Ballot article in it.

Mr. Baron Fitzgerald.] If you had not proved that they were circulated before, I am afraid you would not do it with this witness.

9746. Mr. Porter.] Did he say the effect of it?—He asked me had I seen it.

9747. That is one name; tell me another?—My own immediate neighbour, John McCorrie, of Kilmore, told me that.

9748. Did he tell you anything else excepting that he had got a paper?—Just that he had got the paper.

9749. Give me some more names?—Henry McCorrie.

9750. What did he say?—He said he had got one of these papers.

9751. Did he say anything else except that he had got one of these papers; did he say anything about the effect it produced?—

Mr. Macdonagh.] I object to that question; this is not a hostile witness.

Mr. Porter.] I do not want to put the words into his mouth.

Mr. Baron Fitzgerald.] You are the last person who would do it, I am sure. You can ask him whether he did say anything else.

F 2

9752. Mr.

J. Macdonagh,  
25 June  
1880.

J. Menon.  
—  
25 June  
1880.

9752. Mr. Porter.] Did he say anything else to you?—Yes, he did.  
9753. What did he say?—He asked me what I thought of it; was it a fact, or was it not.  
9754. What was a fact?—The statement contained in the paper that the ballot was not secret.  
9755. Tell us the rest of the conversation?—I told him I did not believe it.  
9756. Was that all?—I think so.  
9757. Do you recollect any other names?—I do not; everyone said so; I could not be sure about a particular one.

9758. Mr. Baron Fitzgerald.] You had better mention any other names you remember, and then you can refresh your recollection, when you have given the names, as to what passed between you and that person?—The majority of the persons referred to it.

9759. You have already stated that, and said it in stronger terms?—I have. Well, my Lord, I could not particularise any other one that I would be sure about.

9760. Mr. Porter.] These are the only ones you may be able to particularise?—Yes; I might possibly recollect more.

9761. Did you mention the name of Pattison?—Yes.

9762. You have not told us anything about Pattison?—His observations were to the same effect.

9763. To what effect?—

Mr. Macdonagh.] I object to that.

Witness.] He asked me if I had seen the paper. I said I had, I had had one myself. I said I got the papers every day. He said, "If this is true it won't suit." I said I did not believe it, and that it was written for the purpose.

JOSEPH BELL, sworn; Examined by Mr. Menon.

J. Bell.

9781. WHERE were you acting as Agent for Mr. Crawford?—I was acting in the Dromara district.

9782. Was the money collected and paid in to you?—No.

9783. Where did the money come from?—I got no money.

9784. Did you pay out money?—None.

9785. Who sent in this account signed "Joseph Bell"?—I sent it in.

9786. Is it all a fabrication?—No, it is the truth. I sent that in; that is my writing, I believe (referring to a paper).

9787. Did you disburse any money on account of the election?—I did not.

9788. You never paid any money to William Creighton & Son?—No.

9789. Or to James Keown?—Not a penny.

9790. Or to Daniel McAlister?—No.

9791. Or to John McPoland?—None.

9792. What is the meaning of that account?—It is an application for money.

9793. Was it in order to pay them?—It was if I got it.

9794. Had you agreed to pay them?—No, I had not.

9795. Come now, Mr. Bell, what was that money intended for?—I told them I would get it if I could.

9764. Was there anything else passed between you and he?—Well, just a talk to that effect.

9765. You have mentioned four names; do you recollect any others?—I cannot recall any others.

9766. Besides those names that you have mentioned were there any other names you have forgotten?—There were a great many.

Further Examined by Mr. Macdonagh.

9767. William Taylor voted, did he not?—He did, I think.

9768. Do you not know that he did?—I believe he did.

9769. Did John McCorrie vote?—He did.

9770. Did Henry McCorrie vote; his brother?—Henry McCorrie is not his brother.

9771. Henry McCorrie voted, at all events?—He voted.

9772. Pattison voted?—Yes, I believe so.

9773. Everyone of them?—Yes.

9774. You voted?—Yes, I did.

9775. This is the last question I will ask you. Fix the period when you communicated with Mr. Brett; how soon after the election?—I think I will be able to fix it definitely.

9776. I do not want to know your paper, but I want to know the date. Can you fix it?—It was one day at least, if not two days, antecedent to the 30th March. There is Mr. Brett's answer.

9777. I do not want Mr. Brett's answer?—

9778. Mr. Justice Barry.] Is that Mr. Brett's answer to your letter?—It is, my Lord.

9779. Mr. Baron Fitzgerald.] I presume you fix the date by the date of Mr. Brett's letter?—Quite so, my Lord; it is evident from the letter that I asked the question.

9780. Mr. Porter.] Have you any copy of your letter to Mr. Brett?—I have not.

[The Witness withdrew.]

9798. Did you tell them that?—I told them I had made an application for money for them.

9797. What did Creighton say?—Creighton said it would do no harm, or something to that effect.

9798. Do you know that 5 l. 4 s. 7 d. is returned in the election expenses account as money paid?—I do not know.

9799. In the election expenses account Dromara is returned?—

Mr. Baron Fitzgerald.] Where did this paper, which you produce to the witness, come from.

Mr. Menon.] It purports to be signed by the sheriff, and is sent in as a voucher.

9800. How did you fix the 2 l. 10 s. for William Creighton & Son?—I came to fix it by the days.

9801. Was that a fair sum to pay them, or was that what they agreed to take?—I thought it a fair sum to ask for them.

9802. Were they willing to take as little as that?—I never asked them what they would take.

9803. Just a reasonable sum?—They were not to get any sum from me.

9804. Did you say anything to them about being paid?—Nothing.

9805. To

9805. To whom did you send that account?—  
To Mr. Brett.

9806. The expense agent?—Yes.

9807. Who was William Creighton?—A  
neighbour of my own in the same townland.

9808. Is he a voter?—He is.

9809. And voted?—I think so.

9810. It is 5 s. a day; William Creighton &  
Sons, five days out canvassing and distributing  
papers; is the son a voter?—No.

9811. Then William Creighton is a voter; he  
voted good, or at all events, he intended to do so?  
—I believe so.

Mr. Justice Barry.] Does he know  
whether the man voted?

Mr. Moore.] Yes; he says he believes  
so.

Mr. Justice Barry.] If we are to deal  
with that vote, we may be obliged to know.

Mr. Moore.] We will produce the re-  
gister to show whether he did or not.

9812. John McPoland is put down for 1 l. 10 s.;  
where does he live?—In the same town.

9813. Is he a voter?—He is.

9814. That is, John McPoland, six days dis-  
tributing and canvassing, 1 l. 10 s.?—Yes.

9815. Do you know whether he voted at all?  
—I believe he did.

9816. James Keown, six days' service and  
posting bills; is he a voter?—No.

9817. Daniel McAlister, man, three days?—  
Yes.

9818. Self, four days canvassing and one day  
as personation agent?—Yes.

9819. You leave a blank for that?—I will  
explain that to you.

9820. Well, do it?—At first I had not intended  
to send in any account to Mr. Brett at all, but  
happening to be in Dromara one day, Mr. Munn,  
who lives in Dromara, stated that Mr. Brett had  
written to him to send in the Dromara account.  
I said I would think about it and send it in. He  
said he would advise me to do so. I asked what  
it was fair to give these men, or would they be  
likely to be paid. He said he thought they  
would. I asked him would 5 s. a day be fair to  
give them, suppose they were paid. He said he  
thought it would be about fair. He advised me  
to put down my own time. I said I would not  
charge anything for my own time as I had prom-  
ised not to do so. At last he said I should put  
down my own time, what I was doing the days I  
was out. I consented to do it, and I put the  
time I was out at the bottom, and I charged  
nothing for it.

9821. William Corbett; what did you think a  
fair sum for him as personation agent?—I never  
mentioned a sum.

9822. If there was money going, was he to get  
it?—I never talked about money to him.

9823. I know that perfectly well; if there was  
money going, was he to get something for acting  
as personation agent?—No.

9824. Why did you put his name down in the  
list?—Because he was a personation agent I put  
him down.

9825. Why did you not put down all the other  
agents; why did you put down William Corbett,  
personation agent, in the account if he was to get  
no money?—I wanted to show he was voting.

260—Sess. 2.

9826. Is that all, were there not other agents  
acting as well as he?—

Mr. Justice Barry.] Is there any sum of  
money put down?

9827. Mr. Moore.] No, that is just it; you  
left him to be dealt with mercifully upon the  
same terms as yourself; is Corbett a voter?—  
Yes, he is, I believe.

9828. And voted; do you know whether he  
voted or not?—I believe he did.

9829. And you voted?—I did.

9830. In this list there are five persons, at all  
events, who are expending money, and they are  
voters?—I merely sent that paper in.

Cross-examined by Mr. Murphy.

9831. Now take that account into your hand;  
as far as you know, was one sixpence of that  
5 l. 4 s. 7 d. ever paid to any persons there?—  
Not one sixpence, so far as I know.

9832. Was it in reply to an application by Mr.  
Brett that you sent in that account?—I did not  
intend to send any account at all.

9833. He told you there was to be an account  
of the expenses in the Dromara district?—So I  
was told; he did not write to me.

9834. That is all the account sent in from  
Dromara?—That is all, so far as I know.

9835. When did you send it in?—As well as  
I recollect, I think it was about three weeks after  
the election.

Mr. Baron Fitzgerald.] An account of  
expenses must mean the amount of money  
expended.

Mr. Murphy.] Mr. Brett has given his  
evidence as to that; he said these came to  
him from the different districts and he put  
them down.

Mr. Baron Fitzgerald.] What he asked  
the different districts for was the account  
of expenses, and these were furnished as  
accounts of expenses.

Mr. Murphy.] Yes, they were.

Mr. Baron Fitzgerald.] What they ought  
to have said was, according to this gentle-  
man's evidence, that nothing was expended  
and nothing was due. That is according  
to his evidence now.

Mr. Murphy.] Yes, my Lord.

Mr. Baron Fitzgerald.] We must deal  
with the evidence in the usual mode.

Mr. Murphy.] We must deal with the  
accounts as we find them.

Mr. Baron Fitzgerald.] Mr. Brett's  
account does not make it more clear. He  
had to give in an account of the election  
expenses. For the purpose of doing that he  
endeavoured to ascertain from the different  
districts what the sums expended in those  
districts were. He sent for this account, and  
I presume he took it for granted that this  
money was expended, and returned it as a  
voucher of the account. That does not  
account for the conduct of the committee,  
or whatever it was, they were managing  
there.

F F 2

9836. Mr.

J. Ball.

25 June  
1880.

*J. Bell.*  
—  
25 June  
1880.

9836. *Mr. Murphy.*] Was there any other person having direction of accounts in the Dromara district, so far as you know?—Not that I know of.

9837. So far as you know, no money was expended in the district?—That is so.

9838. *Mr. Baron Fitzgerald.*] You returned money that neither was expended nor due?—No, it was an application for it.

9839. You applied for those monies for them, and they had not applied to you?—They had not applied to me.

9840. You put in an application for them, though they had not applied to you?—Yes.

9841. When you were desired to furnish the expenses?—Just so.

9842. *Mr. Justice Barry.*] Did those persons mentioned in that account know you were sending in an application on their behalf?—I told them, my Lord, afterwards, that I was.

Re-examined by *Mr. Macdonagh.*

9843. If you had gotten the money you would have given it to them?—I would.

9844. Do you not know it was paid to them?—I do not, upon my oath.

9845. That is proved?—

*Mr. Justice Barry.*] What is proved? It is not proved to my satisfaction yet that the money was paid.

*Mr. Macdonagh.*] The expense account shows that.

*Mr. Justice Barry.*] We cannot take it to be conclusive in that way. *Mr. Brett* is the expense agent, and he tells us that, as regards

what was paid, he does not know anything; he never paid a sixpence himself.

*Mr. Baron Fitzgerald.*] It is this sort of jury question, whether it is impossible that an account should be sent in in this form unless some engagement was given to this man.

*Mr. Murphy.*] *Mr. Brett* says "several of the accounts included in the above abstract are disputed."

*Mr. Kiskey.*] Those disputed have the words "disputed" opposite them, and this is not one of those.

*Mr. Justice Barry.*] I think the evidence of this gentleman is very cogent, that applications were made on their behalf with the intention of getting money to give them, and they were ready to take it if the money was got for them.

9848. *Mr. Macdonagh.*] Although "disputed" is opposite certain of the items on the expense agents' account, there is no objection opposite this; you will find "John McPoland;" he stated that he voted and had expected a certain sum of money. Did you not say that John McPoland voted?—To the best of my opinion he voted, but I would not just swear though I was there.

9847. Have you the least doubt about it, to save us the trouble of calling evidence?—If I saw the list I could tell you.

9848. You believe those three men voted?—Yes.

9849. *Mr. Justice Barry.*] I cannot rest upon that as legal evidence?—They are here my Lord.

[The Witness withdrew.]

JOHN MCPOLAND, sworn; Examined by *Mr. Kiskey.*

*J. McPoland.*  
—

9850. ARE you a voter of the county Down?—Yes.

9851. Did you vote at the last election?—I did.

Cross-examined by *Mr. Murphy.*

9852. Had you been canvassing on behalf of Major Crawford?—I distributed letters.

9853. Who was it asked you to do that?—No one.

9854. Where did you get the letters from?—I got the letters in Dromara.

9855. Did any one ever promise you a shilling payment for it?—No.

*Mr. Baron Fitzgerald.*] I do not think he has answered the question yet. Who did you get the letters from?

9856. *Mr. Murphy.*] From whom did you get them?—*Mr. Carr*, who came to Dromara, *Mr. Bell*, and another man; and I went to Dromara to meet *Mr. Carr*.

9857. *Mr. Bell*, who has just left the box?—Yes.

9858. Who is the other man who went with you?—*Mr. Creighton*.

9859. Did you ask *Mr. Carr* for any payment whatsoever?—I did not; he said there would be no payment.

9860. What did you say about it yourself; about doing the work?—I did not say anything at all about it. *Mr. Bell* said he could not con-

veniently get the letters distributed without some money. He said there would be no man employed, but he might employ some little boys. I said that little boys were not proper persons for doing it, and I said I would go and distribute the letters, &c., through a townland or two for nothing.

9861. Was *Mr. Creighton* present when you said that?—He was.

9862. Did *Mr. William Creighton*, in your presence, say anything about what he would do?—Yes, he said he would do some too.

9863. Did you ever get, since the election, a shilling for the work that you did?—Never. There were some letters I could not conveniently distribute, and I paid the post out of my own pocket for them.

Re-examined by *Mr. Moore.*

9864. I suppose *Mr. Bell* never told you that he had sent forward an application?—He did.

9865. When did he tell you?—He told me, I suppose, a month after the election.

9866. I suppose you repudiated that?—I said I thought it would not be any good.

9867. You would not have taken it if it had been good?—I would of course.

9868. How much would you have had if you could have got it?—I would have taken anything I could have got at all.

9869. You

9869. You would have taken the 30s. put down for you?—I would, of course.

9870. That is, six days out, at 5s. a day?—I never sent in a bill.

9871. That would be a reasonable sum?—I never heard there was money mentioned until I heard it read in this court.

9872. I suppose you have been attending during the course of this investigation?—I have been here, although I have not been much in the court. I was here yesterday.

9873. Have you come to learn so much of the

election law during the last 10 days as to know that the payment of money is against the law, if received by a voter?—No.

9874. You have not spoken upon that?—No.

9875. To anybody?—I do not think I would.

9876. Had not you and Bill a wao word upon it?—Never.

9877. Have you avoided Bell since you came here?—I have not.

9878. So that you might not be seen speaking to him?—I have not.

[The Witness withdrew.

WILLIAM CREIGHTON, sworn; Examined by Mr. Kirby.

9879. You are a voter of the County Down?—Yes.

9880. You voted at the last election?—I did.

Cross-examined by Mr. Porter.

9881. How did you come to go up at the last election; do you recollect doing any services about the election?—Yes, I circulated a good many voting papers, letters with men's names upon them.

9882. Did you do that yourself?—Certainly.

9883. Who asked you to do it?—There was no person asked me.

9884. But you were there when the last witness, McPoland, was there?—Yes, in Dromara.

9885. That was, I think, along with Mr. Carr?—Yes.

9886. Did you hear what he said about paying; was there anything said about payment for it?—No such thing. Mr. Carr told us distinctly that there would be nothing of the kind; and John McPoland volunteered to do two or three townlands, and I did the same.

9887. Did you make any demand yourself for payment?—Certainly not.

Re-examined by Mr. Kirby.

9888. Was your son out too?—He was.

9889. He is not a voter?—Not at all.

9890. How long were you out, now; how many days?—I was seven days out.

9891. Who did you tell that to, in order to have it made out in the bill; did you tell Bell how many days you were out?—No, I do not think I did.

9892. Bell was sending in an account?—He told me he would do.

9893. Did you not say the number of days you were out, so that he might send in an account

for you and the little boy?—He told me he would send in a little account; I told him it would be useless, as we had volunteered, and said we would not look for money.

9894. Did the little boy volunteer?—No; I sent the boy.

9895. Was not he to be paid?—He was not.

9896. Not at all?—Not at all. He asked me in the morning, when I sent him first, who would pay him. Says I, "I will pay you."

9897. You paid him accordingly?—He demanded what I would give him.

9898. The boy did?—Yes.

9899. What did you say?—I told him that I would give him what I gave him every day.

9900. That was meat and drink?—Yes, and I made him do it.

9901. And you gave the number of days you were out to Bell and your son, of course?—I think, I think.

9902. Mr. Porter.] Was that when Bell told you he was going to send in the application?—Yes.

9903. Did you get a single farthing for it?—Never in my life.

9904. Mr. Justice Barry.] How long after the election was it that he told you he was sending in the account?—I think, about three weeks. I happened to be in Mr. Bell's house.

9905. Mr. Kirby.] The account bears date April 15th; was it not a few days after the election that you gave him the number of days you were out? the election was on the 7th, and this account was dated the 15th?—I do not mind anything about what time it was after the election.

9906. A few days?—21. 10s. is the amount.

9907. Bell told you that?—He said he would send in something like that, but I never asked him to do it or anything of the kind.

[The Witness withdrew.

JOSEPH BELL, re-called; further Examined by Mr. Murphy.

9908. You canvassed in the Dromara district, and you went amongst the people there?—Yes.

9909. Were any voters speaking to you about the papers they got?—Yes, it was talked over; I talked it over with different men about the papers.

9910. About what?—About the newspapers in reference to the ballot.

9911. Do you recollect, or can you give the Court the names of those that spoke to you about the ballot?—Well, I am sure of one, that is a cousin of my own.

260—Sess. 2.

9912. What is his name?—William Bell, a very intelligent man.

9913. What did he say about it?—He brought the paper to me first to show it, with the blue mark upon it, and he asked me what I thought of that; I read it, and was greatly surprised at it.

9914. What did you say?—I said I would not take that altogether to be proved until I heard the other side.

9915. What did he say to that?—He said he would wait and see what would come of it.

F F 3

9916. Whose

J. McPoland

25 June  
1880.

W. Creighton

J. Bell.

*J. Bell.*  
—  
25 June  
1880.

9916. Whose tenant was he, do you know?  
—Yes; he is a tenant of William Keownherne of Belfast.

9917. Did you see the papers with any others then with William Bell?—I do not recollect seeing the papers with any others.

9918. Did others speak to you about it?—Yes.

9919. The voters, in your canvass?—Yes.

Further Cross-examined by Mr. Macdonagh.

9920. Your cousin voted?—Yes, I think he did. He was not in the same district.

9921. Have you any doubt that he voted?—No; I think he did.

9922. That is the gentleman, your cousin, you were talking about?—Yes.

9923. When he asked you your opinion upon it, you said you would not take it to be true?—I said I could not know what opinion to form until I had seen more about it.

9924. Until you had seen the other side?—Yes, what did appear in the papers afterwards. We had more than one conversation afterwards upon the matter.

[The Witness withdrew.]

Major PERCIVAL MAXWELL, sworn; Examined by Mr. Macdonagh.

*Major Maxwell.*  
—

9925. WHERE do you reside?—At Finnerbrook.

9926. Do you know the Petitioner, Blackley Macartney?—Yes, he had been a tenant of mine.

9927. Was not the place Ballyalony?—Yes.

9928. When did he cease to be a tenant of yours?—I got notice that the sale of his farm was expected on the 18th of October; that is the date of the notice, the 18th of October 1879.

9929. Do you remember his having made an application to you for liberty to sell his property, when a writ of execution was against him?—Yes.

9930. When was that?—Shortly before that, in the month of September.

9931. What was his precise application?—For permission to sell.

9932. Did he say to whom, to his brother?—No, he did not say his brother.

9933. Did he say the amount?—No.

9934. And you declined, for what reasons?—

There was a writ against him by a man of the name of Brown, and another man of the name of Davison, and they had a sheriff's sale; they attempted to sell the farm under that sheriff's sale, and I did not approve of that means of procedure, and I said, if he wanted to sell it and he brought an eligible tenant before me, especially one of my own tenants, I should be happy to entertain the application.

9935. Did you think he wanted to evade his creditors?—It looked very much like it.

9936. You afterwards gave permission to sell, and he did sell?—Yes.

9937. When did he go out of the premises?—On the 27th of October the arrangement was completed.

9938. Who was the person in possession since then?—John Simpson.

9939. At the time of this election he had neither property nor possession?—Certainly not.

[The Witness withdrew.]

JOHN MAGUIRE, sworn;

Examined by Mr. Morrow.

*J. Maguire.*  
—

9940. WHERE do you reside?—In Glifford.

9941. What business do you carry on?—As hotel keeper.

9942. Do you know a man named Joseph Doak?—Yes.

9943. Do you recollect Joseph Doak providing himself with drink at your establishment?—I do.

9944. Did you know Joseph Doak to be a canvasser for Mr. Crawford?—I heard it. I did not know it.

9945. Did he get a car at your place; he had a horse and car of his own?—He got a car to leave him home the first evening he came in.

9946. How often did he come to your place for drink?—I think, two or three times.

9947. Where would he put the drink when he would get it?—In the car.

9948. Was it in bottles, or how?—In bottles.

9949. How many bottles did he take at a time?—He generally took two quarts.

9950. Do you know whether he was then canvassing?—I did not know to my knowledge, but I heard he was.

9951. At what hour in the morning would he

come in to provide himself with whiskey?—The first he got was in the evening.

9952. What hour of the evening?—About four o'clock.

9953. Was it whiskey he took with him always?—Yes.

9954. Did he come back at night or the evening?—No, he did not come back at night.

9955. When was it that this commenced first?—The first he got was the 23rd of March.

9956. How much did he get that time?—Two quarts of whiskey, and had his dinner that day.

9957. What was the next occasion?—On the 24th.

9958. How much did he get that day?—Three quarts.

9959. What is the next order?—On the 26th there is two quarts, on the 27th two quarts, and the 29th one quart; that was the last.

9960. Did you, yourself, personally see what became of the whiskey afterwards?—No, I did not.

[The Witness withdrew.]

JAMES LEVINGSTON, sworn; Examined by Mr. Morrow.

*J. Levingston.*  
—

9961. WHERE do you reside?—Ballynagan.

9962. What district is that in?—Glifford.

9963. Are you a voter?—Yes.

9964. Do you know a man named Joseph Doak?—Yes.

9965. How far does he reside from you?—It is not very far; not a quarter of a mile.

9966. Do you recollect his coming out to canvass you on behalf of Major Crawford?—I do; I saw him, but he never spoke to me.

9967. Where was it he saw you?—I was in a neighbour's house, the next house to where I live.

9968. Whose house was it?—Mr. Harrison's.

9969. Did



*J.  
Levington.*  
15 June  
1880.

9969. Did he drive you on the car?—He did.  
9970. Did he produce anything from the car?  
—I do not know. I did not see him getting off  
the car.

9971. Did you see any whiskey at any place?  
—I did.

9972. Where?—James Chambers took a bottle  
out of his pocket.

9973. Was James Chambers on the car with  
him?—He was.

9974. Driving about with him?—Yes.

9975. Did you know that they were canvass-  
ing?—I did.

9976. Together?—Yes, I believe they were in  
that way.

9977. James Chambers and he came to this  
house of the man named Harrison?—Yes.

9978. How did they proceed to operate?—  
James Chambers came on to the street to me,  
and this man went in to the other house.

9979. Whose?—Harrison's.

9980. What happened?—James Chambers came  
round and gave me one of Crawford's circulars.

9981. You do not mean by that, the bottle of  
whiskey?—No; I went round, and he was in  
Richard Harrison's, and he took a bottle out of  
his pocket.

9982. Who did?—Chambers.

9983. Out of his pocket?—Yes, he gave it to me  
and told me to take what was in it; that I might  
as well have it as somebody else.

9984. How much was there in it?—I cannot  
say that.

9985. A glass?—There was a glass, any way.

9986. I believe there was?—I do not believe  
there was much more.

9987. Did not it taste to you more than a  
glass?—I did not know what was in it.

9988. May be, it knocked you over?—It did  
not.

9989. What did they say brought them there?  
—They did not say anything.

9990. What was said?—They never asked me  
a question.

9991. Are they in the habit of driving in that  
way, and producing bottles?—No.

9992. Did either of them speak at all?—I can-  
not say; Joseph Doak did not speak.

9993. Was he able?—Well, he was not.

9994. Was it Chambers that was the spoken-  
man?—It was.

9995. Was he moderately well able to articu-  
late?—He said very little.

9996. As nearly as you can tell us, what did  
he say?—He did not ask me who to vote for.

Mr. Macdonald stated that James Chambers was an agent appointed on behalf of Major  
Crawford.

JOHN U. PRITCHARD, sworn; Examined by Mr. Moore.

10023. WHAT are you?—What am I?

10024. You are a car-driver, or what are you?  
—I am a farmer.

10025. Did you happen to be out any time  
with Doak?—I saw him on the way, coming from  
the fair.

10026. Was that when he was out on the car?  
—Yes.

10027. You are a voter?—I am.

10028. Were you stopped on the road?—We  
were coming down the road and he overtook us  
in a car.

10029. What did he say to you?—He said he  
had a paper for me.

260—Sess. 2.

9997. What on earth put it into your head  
that I was talking of voting?—I believe that was  
the business they were on.

9998. You formed that opinion?—I did.

9999. You are an uncommon smart fellow how  
did you form that opinion?—Because they gave  
me one of Crawford's circulars.

10000. Was it before or after you got the  
bottle that you got the circular?—I got the cir-  
cular before the bottle.

10001. What interval was there between the  
circular and the bottle, about?—I suppose about  
five minutes.

10002. Did you taste the whisky at all?—I did.

10003. Before they left?—I took it at the  
time.

10004. While they were there?—Yes.

10005. Did you drink it all yourself?—Yes.

10006. You were a voter yourself?—Yes.

10007. Did you read the circular?—Yes; not  
at that time.

10008. I suppose it would look better after a  
glass?—I do not know whether it would or not;  
the glass made no odds.

10009. Besides giving a circular for yourself  
or an address for yourself, did they give you any  
other?—They did not.

10010. Did you see any others there?—I did;  
he had a whole lot of them in his hand.

10011. A whole lot of circulars in his hand?—  
Yes; they were sealed up in an envelope, and  
everyone's address on them.

10012. Was there one addressed to you?—  
There was.

10013. Did he hand you the one addressed to  
yourself?—He did.

10014. Who was Harrison, was he a voter?—No.

10015. Did you see him out upon any other  
occasion except that upon which he came to hand  
you the circular?—Many a time.

10016. On a car?—I have seen him on a car  
many a time.

10017. Out canvassing?—I have seen him  
going about the country on a car, and they said  
he was canvassing.

10018. Did you ever see the inside of it at any  
time?—I did not.

10019. Did you see the bottles?—I did not.

10020. Was that the only opportunity you got?  
—Yes.

10021. Do you swear that Harrison is not a  
voter?—I do.

10022. What is his Christian name?—Richard.

[The Witness withdrew.]

10030. A circular?—A circular.

10031. Did he give it to you?—Yes.

10032. In an envelope?—Yes, with my name  
on it.

10033. What else?—Then he talked to me a  
bit and treated me.

10034. What did he do?—He pulled out a  
bottle and treated me.

10035. Was that after you got the circular?  
—Yes.

10036. What did he say when he handed you  
the circular, did he say what was in the letter  
—No; he said when I opened it I would see  
what was in it.

P F 4

10037. You

*J. U.  
Pritchard.*

*J. E.  
Fritchard,  
25 June  
1880.*

10037. You know pretty well what he was at?—No, I did not know; it was the first time I had seen him at it.

10038. Did he speak to you about the major?—He did not.

10039. Did not he?—No.

10040. He did not speak about the measure at all?—No.

10041. Did not he give you a hint of what brought him there?—No.

10042. You did not know?—The major was not with me at that time.

10043. I did not say he was "with me," I did not say he was the major; I never saw him with you. Did he speak anything about Major Crawford, the candidate for the county. Tell us as nearly as you can?—He gave me the paper, and told me when I would open it I would see what was in it.

10044. What else?—He did not talk about him at all.

10045. What did he produce?—He produced whiskey.

10046. Was it in a bottle?—Yes.

10047. Had he it in his pocket?—I will not say.

10048. Did he take it out of the well of the car?—It was out of the well of the car, I think.

10049. Was anybody else there besides yourself?—Yes.

10050. Who else was there?—James McCormick.

10051. Is he a voter?—He is not, to the best of my opinion.

10052. Did James McCormick say whether he was a voter, or not, when he saw what was going?—He said, to fill one for him.

10053. Was it before he let him touch the bottle?—Yes; he had not touched the bottle at the time.

10054. Did he find a circular for him?—He did not.

10055. Did he give him a drop then?—Yes, he gave him a taste.

10056. But not as much as you?—I will not say.

10057. Were there others there?—I disremember the names.

10058. Were they voters?—I will not say.

10059. Did they get circulars?—No; I was the only one who got a circular.

10060. Did you see him upon more than one occasion?—I did, I saw him passing by after, a few days after.

10061. On the same car?—I will not swear it was the same car.

10062. You did not get a peep into the well?—No.

10063. Mr. Justice Barry.] Did he give some of the whiskey to other men, whether he had circulars for them or not?—Yes.

*Cross-examined by Mr. Murphy.*

10064. Was he drunk or sober at the time?—Well, he was sober; I thought he was sober.

10065. But hardly, I suppose?—He was sober appearing to me.

[The Witness withdrew.]

*JOSEPH WILSON, sworn; Examined by Mr. Kibbey.*

*J. Wilson,*

10066. WERE you employed in any way during the late election?—No.

10067. Did you ever drive a car during the late election?—No.

10068. Do you remember seeing Doak, the man we were speaking of, and Chambers out on a car?—I never saw Doak and Chambers on a car together.

10069. Did you see Doak?—Occasionally driving past on the road.

10070. Did you see any drink with him at any time?—No.

10071. Did he come to canvass you?—No.

10072. Not at all?—No; I never was canvassed by any man except for Castleough, neither in 1878 nor in 1880.

10073. Did you, on any occasion, though you are not a regular car driver, drive a car during the late election?—I never had the privilege.

10074. Is there any other person named Joseph Wilson in that district?—I know of no voter Joseph Wilson except myself.

10075. Or any other Wilson?—I know of no other Joseph Wilson.

[The Witness withdrew.]

*J. Chambers.*

*JAMES CHAMBERS, sworn; Examined by Mr. Munroe.*

10076. Did you vote at the last election?—I did not.

[The Witness withdrew.]

*WILLIAM STEELE, sworn; Examined by Mr. Munroe.*

*W. Steele.*

10077. Do you live in a place called Legansey?—Yes.

10078. Are you a voter?—I am.

10079. Do not tell me how you voted?—No; I thought it was all regular.

10080. Do you know a man called Pat Murray?—I do.

10081. Is that the gentleman there?—It is.

10082. Do you know a gentleman they called Mr. McCune Holmes?—I do.

10083. Did you ever tell Pat Murray that Mr. Holmes had gone so far as to use intimidation on you?—I never did.

10084. Did Mr. McCune Holmes ever endeavour to intimidate you at all?—Never.

10085. Do you know the gentleman?—What gentleman.

10086. Mr. McCune Holmes?—Yes; I may say I did not see him since November last, I did not see him since the election, from the day of the poll; I saw him; I was not speaking to him, nor him to me.

10087. Did Mr. McCune Holmes ever speak to you about the ballot at all?—Never.

10088. Did you ever tell Murray that he did?—No, I never told him anything of the kind.

10089. Did

Cross-examined by Mr. Murphy.

10088. Did Murray and a man named Henry come to ask you about your vote?—They did.

10089. Did they tell you that they were canvassing for Crawford?—They told me they were for Crawford.

10090. Did they tell you "we are not going to ask you whom you will vote for"?—They did not propose it. They told me who it would be my interest to vote for, and for the farmers' friend, and they did not ask me who I would vote for, only told me to vote for the man I think best; I said, "I thank you."

10091. "To please yourself, and vote for the man you thought best," and you said, "I thank you;" go on and tell the rest of it?—I said, "I thank you;" there were men on the other side here yesterday and the day before, and they wish to know who I would vote for, and I would not tell them, because I would tell it to no man, and they went with me and wanted me to say whether I would be against; they were the opposite side. I said I would be neither for nor against.

10092. Did you say, "You are not like the men that came here yesterday"?—I did not. I said, I respected them better, because they ask nothing off me.

10093. Did not you say you respected them better than the men who were with you before?—They did not ask me who I would vote for, neither Murray nor Henry.

10094. Did not you say that they were not like the men that were with you before?—I did not consider that they should ask me to say who I would vote for, that is the other men.

10095. Who were the other men who had called upon you, and wanted to know who you would vote for?—The men that went round belonging to Leganinn.

10096. Who were they?—Hanna and Armstrong.

10097. Did Hanna and Armstrong say anything to you about the office?—They did not.

10098. Did you tell Murray and Henry that they said anything to you about the office?—I did not.

10099. Did you tell them they said anything to you about the ballot?—I did not.

10100. Listen to me: did you tell Murray

and Henry that the men who were with you the day before, told you that the ballot was not secret?—I did not tell anything of the kind; nobody told me the thing I did not believe.

10101. You remember now you told Murray and Henry you thanked them, and that they were not like the men who were with you before?—I did not. My own family and three or four sons were in the house, and can say the same.

10102. When Murray and Henry said they would not ask you who you would vote for, what were the exact words you said?—I said, I liked it better than men who would say whom I would vote for, and publish my name; they gave me my own choice. I knew who they were for, but I said I would tell no man who I would go and vote for; it was secret, and I would keep it to myself, and I did not know whether I would vote at all or not.

10103. Tell me again what you said to Murray and Henry when they told you to vote according to your own choice?—I have told you it all; did not I tell you I said I would take my own choice and vote for the man that would be most use for me.

10104. Did you say anything about persons respecting whom you would vote for?—I did not.

10105. You did not say a word about it?—No.

10106. Who was present when Murray and Henry were with you?—My children.

10107. When Murray and Henry were with you?—My son, and he is here to-day, and he had to come with me because I was not able to come by myself.

10108. Did Murray tell you not to fear, that the ballot was secret?—I will not swear it, whether he did or not, because it was an open talk among every person that was going looking for work for Crawford. They would vote for whom they pleased. I will not swear whether Murray told me so or not, because I hear it so often.

Re-examined by Mr. Monroe.

10109. You heard this talk of the ballot from persons who were going about for Sherman Crawford?—Yes, it was so.

[The Witness withdrew.]

ROBERT HANNA, sworn; Examined by Mr. Monroe.

10110. You are Robert Hanna, of Clannawarra?—Yes.

10111. Are you a farmer and a voter?—Yes.

10112. Do you know Pat Murray?—Yes, I see him often; he goes up and down our road.

10113. Do you know Mr. McKune Holmes?—I do not know him; I never saw him till yesterday, that I know.

10114. Did you ever tell Pat Murray that Mr. McKune Holmes had tried to intimidate you about the ballot or anything else?—No.

10115. Is it the fact that Mr. McKune Holmes tried to intimidate you about the ballot?—Mr. McKune Holmes was not with me till yesterday. I did not know the man.

Cross-examined by Mr. Porter.

10116. Mr. McKune Holmes was not with you till here yesterday?—Till here yesterday.

10117. What was he with you "till here yesterday?"—Saw 2.

yesterday "about"?—He came concerning money.

10118. He came to have a talk about Murray?—Yes.

10119. You know Murray?—I do, perfectly well.

10120. Have you spoken to Murray, or he to you, about the elections?—Mr. McKune Holmes never spoke to me.

10121. I do not speak of Mr. McKune Holmes, but Murray?—Murray came to serve papers two or three times.

10122. I suppose he spoke to you about the ballot?—Yes, he has.

10123. And you to him?—Yes.

10124. Who canvassed you on behalf of Hill and Castlereagh?—It was William McCrumm.

10125. Did you tell Murray about it?—I did.

10126. Who is William McCrumm?—He was a canvasser for Lord Castlereagh.

G G

10127. What

W. Steele.  
25 June  
1882.

R. Hanna.

*R. Hanna.* 10125. What is he when he is not canvassing?  
—He is a farmer of land.

25 Jan  
1880. 10126. What did he say to you?—He did not say anything particular; he asked me who I would vote for, and I told him I could not tell yet; that I would see my landlord.

10130. Who is your landlord?—William Johnson; and then I said, I can tell you what I will tell nobody, who I can vote for.

10131. Was there any talk about the ballot?  
—No, we had no talk about it; yes, he spoke and said that the ballot could be "kept."

Re-examined by Mr. Monroe.

10132. That is William McCrumm?—Yes, and Murray said it could not.

10133. I suppose you voted?—I did.

10134. And feared nobody?—I feared nobody; what should I fear?

10135. Whether the ballot was secret or open you would vote as you pleased?—Yes.

10136. Did you believe it was secret?—I did believe it was secret; I firmly believe it was secret.

[The Witness withdrew.]

Mr. JOHN BLOKFIELD KINGSDOTE, sworn; Examined by Mr. Kelsey.

*J. E. Kingsdot.* 10137. Were you present at a meeting of the supporters of Lord Arthur Hill and Lord Castlereagh, held in Castlewellan?—Yes, several.

10138. Were you present at a meeting of their supporters held in the Market House?—Yes.

10139. Do you remember that man Pat Murray being present?—Yes, very well.

10140. What was his conduct during the meeting?—I think it seemed to be his object to disturb the meeting as much as possible.

10141. Had he a lot of persons about him in

the body of the hall making a row, and kicking up a noise?—Yes.

Mr. Murphy.] How is this evidence?

Mr. Baron Fitzgerald.] Whether he was disturbing the meeting or not, is not a material fact at all.

[The Witness withdrew.]

Mr. Macdonagh stated that with the exception of the polling papers he had finished his case.

Mr. Murphy stated that he wished to call Mr. Finnigan.

Mr. EDWARD SHIRLEY FINNIGAN, re-called; further Cross-examined by Mr. Murphy.

*E. S. Finnigan.* 10142. I UNDERSTOOD you yesterday to state to me that you had not attended any meeting at Bush Mills in the month of February?—Yes. I was reading the paper this morning, and I discovered that I had attended a meeting at Bush Mills; but I did not remember it at the time, I was thinking of another place at the time.

10143. Was it on the 21st of February that you attended the meeting?—I think it was somewhere about that.

10144. It was in the Orange Hall?—Yes, the Good Templars' Hall.

10145. Was Sir Francis McNaughten presiding at the meeting?—Yes.

10146. There were over 30 persons present?—I think about that.

10147. You spoke there?—I did; I said a few words about canvassing, and so on.

10148. Do you know a man named James Greig?—I do not know any persons that were present at the meeting except Dr. McNaughten and the medical doctor.

10149. Had you in your hand a copy of "The Whig" newspaper, published that morning in Belfast, containing the letter of "Inquirer"?—I think I got the paper sent to me from Belfast, and I think it arrived a short time before the meeting opened.

10150. Did you write out some of the statements in it at the meeting?—I am not aware.

10151. Will you say you did not?—I do not think I read anything out of the paper.

10152. Did you state that notwithstanding what "The Whig" said you were prepared to prove that after the election you could tell how each voter voted?—I did not; I may have said it was easy. I always kept strictly to that, that it was easy and possible to ascertain how voters had voted.

10153. Listen to me; pardon me a moment; you say that you did not recollect being at a meeting at all yesterday?—I stated fairly at the time that I did not.

10154. Did you then state whether it would be easy and possible, or possible and easy, to ascertain after the election how each voter voted?—I said to Sir Francis McNaughten that they had been attacking me again this morning in "The Whig;" as far as I can recollect those are the words, and I do not remember having said anything further about the ballot system.

10155. Now, did not you say to me this moment that you may have said it was easy and possible to ascertain how each voter voted?—I say I may have done so, because if at any time I referred to the subject, I always kept steadily in view that expression; that is, if I did make a statement regarding it, and what I said was to Sir Francis.

10156. Do you mean to say that it was in private to Sir Francis you said that?—It was immediately, I believe, before the meeting commenced I took my papers out of the bag and handed him the letter, and I took "The Whig" out, and while reading it the moment before the meeting commenced I turned round to him and said, "They are at me again this morning in 'The Whig.'"

10157. Did you speak about it so that everyone at the meeting might hear it?—I did not.

10158. Then it was in private to Sir Francis McNaughten that you made this statement?—I say I turned round to Sir Francis McNaughten, handed him "The Whig," and said, "They are at me again this morning."

10159. Was that all you said?—As far as I recollect that is all I said.

10160. Do you mean to say you never said anything

anything about discovering after the election how the voters voted; are not those the words. What did you say?—I said before if I did say anything about it, the words I may have used were that it was easy and possible to ascertain, but I am not saying that I did say it.

10161. But you always kept that steadily in view?—Yes; I commenced it in the first letter whether it was easy and possible to ascertain, and I never went further.

10162. How did you put it in your letter?—

Mr. Macdonagh.] It is a very unusual course to revive a cross-examination in this way.

Mr. Baron Fitzgerald.] You cross-examined to that letter in length.

10163. Mr. Murphy.] Was what you said when you were always speaking of it, "It is not only possible but easy"?—I think I may safely say that upon every occasion I used those words.

10164. "Not only possible but easy"?—Not only easy and possible, "possible or easy."

10165. Did you say a word at that meeting about its being illegal?—No; the question was no further discussed, nor talked about, not a word; there was no discussion whatever.

10166. Are you able now to say whether you made a speech at the meeting; made the statement out to the 33 people assembled there?—I always did so.

10167. Do you swear that during that speech you did not refer to the ballot?—As far as I can recollect, it is very hard for me to recollect 500 or 600 speeches, but as far as I recollect I did not refer to the subject.

10168. Will you swear you did not?—I cannot swear positively.

10169. Did you at that time state that there would be an election in four or five weeks?—Sir Francis McNaughten turned round to me privately across the table; I was sitting one side and he the other, and he said to me he was particularly interested in the question, because a relative of his would probably be a candidate for the Conservative cause at the general election, and he was particularly anxious to ascertain from me, fancying I had some peculiar knowledge on the subject, whether the election would be likely to take place soon or not. I said to him, "Well, I hear some rumours about the election, but of course I am not in cabinet secrets."

10170. If a man present at the meeting says he heard you stating in your speech that there would be an election in four or five weeks, will you deny it?—I may have said this: There may be an election in about four or five weeks, or there may be an election in 12 months. Some person may have taken me when the election would take place, and this is all I said.

JAMES GREEN, sworn; Examined by Mr. Murphy.

10182. WHEN did you come here?—I came here this morning.

10183. Were you at a meeting at Bush Mills on the 21st of February last?—

Mr. Macdonagh.] I distinctly object; this is part of the original case and we cannot possibly be meeting a new case.

Mr. Baron Fitzgerald.] It is part of the original case that the party denies being at 240—Sess. 2.

Further Examined by Mr. Monroe.

10171. You say that your belief was that Parliament would last out the Session?—Yes, I believe it would last out the Session. My reason for saying that is, that I understand since I was thinking over the matter, that this was the second meeting I assembled in County Antrim. I had 21 districts to go over, and if I thought the election was imminent, I would have seen that I should attend 14 or 15 meetings, or as much as possible, but knowing the election was not imminent I took them easily.

10172. That was an observation addressed to Sir Francis McNaughten?—Yes.

10173. I suppose Sir Francis McNaughten knew the Ballot Act as well as yourself, and that it was criminal to violate the declaration?—

10174. Mr. Justice Barry.] You say the observation you made to Sir Francis McNaughten is this: "Here is 'The Whig' attacking me again"?—Yes.

10175. I understand the paper you had there, was the paper having the letter of "Inquirer" in it?—No, my Lord.

10176. Mr. Murphy.] Was not it on the 21st of February that meeting occurred?—I cannot say.

Mr. Baron Fitzgerald.] The answer I took down was, "I think it was the 21st of February."

Witness.] I must correct myself; I could not be sure that that was the day I was present.

10177. Mr. Murphy.] Was not the paper you had the paper containing the letter of "Inquirer," and the leading article?—I think it was the leading article; I did not see the letter of "Inquirer" that day at all.

10178. Were not they in the same paper?—Do not misunderstand me. I do not say that the leader I saw was referring to "Inquirer's" letter at all; it may have been on a different topic.

10179. Mr. Justice Barry.] The importance of the date appears to me to be only this: Mr. Finnigan said, "here he is attacking me again." As I understand the first mention in the "The Whig" of the controversy was the 21st of April?—I am not sure of the date of the meeting.

10180. Mr. Monroe.] Had "The Whig" referred to you with respect to anything else except the ballot question?—Yes, "The Whig" seems peculiarly anxious to attack me upon every possible occasion upon every possible subject.

10181. Had "The Whig" attacked you before upon any other question?—Yes, "The Whig" seems to endeavour to attack me in every possible way in order to injure my position and character.

[The Witness withdrew.]

Bush Mills according to his recollection; the Petitioner could hardly meet the case in any other way.

Mr. Murphy.] Mr. Finnigan distinctly denied that he was there.

Mr. Justice Barry.] He did not deny he was there; it was a distinct lapse of memory I believe.

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J. Greig.

*J. Greig.*  
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Mr. Baron Fitzgerald. ] I cannot say that it is not material.

10184. Mr. Murphy (to the Witness.) Were you at the meeting at Bush Mills on the 21st of February?—I was.

10185. Did you see Mr. Finnigan there?—I did.

10186. Did you hear him speak there?—I did.

10187. Was Sir Francis Macnaughten presiding at the meeting?—He was chairman at the meeting.

10188. Did you hear Mr. Finnigan in his speech make any statement in reference to the Ballot?—I did.

10189. State what it was?—He had a paper in his hand and he said he was prepared to prove that, after the election, he could tell how each party did vote.

10190. Do you mean a newspaper?—Yes, he said he had a copy of "The Whig" this morning, the editor of which he had a very high opinion of; the paper was not open at the time.

10191. Were the first words you heard from any person introducing the subject of the Ballot?—Yes, it was Mr. Finnigan commenced it entirely; it was *him* made the speech entirely; all that was said there was principally said by him except for the arrangements that were to carry out the Cumber election.

10192. Did he say when there would be an election?—At four or five weeks at the farthest.

Cross-examined by Mr. Moore.

10193. Was there any other speaker except Mr. Finnigan?—He was the only speaker.

10194. What is that you are looking at?—A paper; Dr. McNeill was the only party who—

10195. Where did you write this?—In the sent up there.

10196. Why did you write it?—Fearing that I had forgotten the names of the parties.

10197. When did you commence to fear you would forget the names of the parties?—I thought a few minutes ago I would be called upon.

10198. You would forget the names of what parties?—The names of five parties.

10199. Which are the five parties?—Dr. Maxwell, Sir Francis Macnaughten, and Mr. Bowen.

10200. Is that all; have you forgotten the names you wrote down in the last five minutes?—Yes.

10201. Then is your memory a good one?—It is not very good; in business matters it is very good, but in this matter it is not.

10202. But not in other things?—Not in election matters.

10203. Did you write down the substance of Mr. Finnigan's speech immediately after it was delivered?—I did not at any time.

10204. You took no note of it?—I took no note of it.

10205. And your memory is not good in election matters?—Not very good for this reason, because I took no part in this election at all, therefore I took no pains in remembering.

10206. Was Sir Francis Macnaughten present? He was.

10207. Did he speak?—He said very little.

10208. What did he say?—I think to the best of my belief he said nothing at all.

10209. He spoke and said nothing at all?—

10210. Mr. Justice Barry. ] What means have you of recollecting that it was the 21st of February?—I went there by accident; I put a notice in the public papers to get a man for my shop, and I had an application from Bush Mills; that being the case I wrote to Bush Mills to a man who knew the young man to ask the character of the young man, and I had a very favourable reply, and I thought the best thing to do was to go down to Bush Mills, and it was purely an accident that I was there.

10211. How do you remember that it was the 21st of February?—In going from Coleraine to Bush Mills I met a stranger on a car whose name was Michael Roy, and I began to talk and speak of the country and of oats; I asked him if he had any oats, he said he had very little; he could spare a ton and take 8*l*.; I said when I go to Bush Mills if I see they are good I will give you a cheque for 8*l*., and on going there I gave him a cheque for 8*l*.; I forgot all about it till I went to the books of my cheque-book and found the date out there.

Re-examined by Mr. Murphy.

10212. That is what brought you to the Bush?—Yes.

10213. Mr. Moore. ] You had forgotten all about it till you saw the book of your cheque?—Yes.

10214. Mr. Murphy. ] Michael Roy is the name that you put down here?—Boyd was not at the meeting, but Boyd I was going to see.

[ The Witness withdrew.

JAMES JENKINS, sworn; Examined by Mr. Murphy.

*J. Jenkins.*

10215. Do you recollect one day attending a meeting at Mr. Finnigan's office in Belfast?—I do; on Saturday the 20th of March, Mr. Davidson called upon me.

10216. At that meeting did Mr. Finnigan, when he was speaking about the ballot, say anything at all to you, in your hearing, as to whether or not it was a crime made punishable by law to disclose the secrecy of the ballot?—He did.

10217. What did he say?—At the commencement of our interview he said that he had called us together very much according to the evidence of his own words; the evidence he gave was very fair, so far as regards the reason for bringing us together; that as his character had been so assailed, he wished that a few private friends might

hear his explanation. I spoke to him outside before about it, and that was why I was there. He wished us to appear there not as jurors in any way, but in our private capacity as friends; not that he wished to make a public question, but to satisfy his friends, so that if when we were outside we heard his character assailed we might express our opinion that he had established his contention. His contention was that he could prove to us that he could defy the Ballot Act, inside the lines of the Ballot Act, "You cannot deny Mr. Finnigan," I said, "that at all events the whole of your conduct is contrary to the spirit of the Act." "Certainly," he said, "but I act within the power which the Act gives me, and I shall endeavour to prevent, and if you are satisfied

satisfied by that, I stand or fall by it." There was some chaff, and I said it seemed to me that it was very much of a showman business if we would go through the matter; and, I think, twice during the discussion he acknowledged that the Act would not allow him to do so-and-so, and he appealed to the Act. We got link by link of the chain, according to the view laid down by Mr. Finnigan, until we came to this last one, that was, had he the power or right to see the number upon the back of the ballot paper? I said that unless we could establish that, the whole thing fell to the ground. He said "I can insist upon seeing the back of the ballot paper, because, as agent, I have the right to see that every paper is properly stamped, and though I may not have the right to see the number, I have the right to see stamp, and, of course, instead of looking for the stamp I am looking at the number, and we all know what the number is for." Of course I have not read the Act, and never have seen the Ballot Act. I was thoroughly astonished, but I am sure Mr. Finnigan would be the last to say—

10218. What did you say then?—I was so thoroughly astonished that, feeling indisposed to question Mr. Finnigan's veracity, having such thorough confidence in him, I said to him, it was certainly very extraordinary, but if it was really as he had stated, that he had the power, however extraordinary it seemed to be, if it was really the case that he had the power, there was no doubt whatever that he could defy the Ballot Act. When this came up, the editors of "The News Letter," "The Morning News," "The Ulster Examiner" disappeared; and I may remark that the editor of "The News Letter" in the whole interview made me—

10219. What did the writer of "The News Letter" do?—He appeared to pay very little attention to what was going on; that it was a foregone conclusion as far as he was concerned.

10220. Did you say anything to Mr. Finnigan about your notice of the Act?—Before going away I observed to Mr. Finnigan that I felt very much surprised; I felt satisfied that he had established his part so far as I was concerned, but I knew nothing about the Act, and my opinion would have no weight with the public, and I would strongly advise him, in the interest of his family, to have Mr. Dinan, the editor of the "Northern Whig," and one or two intelligent men, and by their verdict to stand or fall. I withdrew then.

10221. Did you see the article published on the 24th of March?—Yes.

10222. After you saw that article published, did you call upon Mr. Finnigan at his office?—I did.

10223. Did you bring the Ballot Act with you?—No, but I got him to fetch his.

10224. Who was there at the time you called first at Mr. Finnigan's office; was the Rev. Mr. Burnside there?—He was sitting in the office before Mr. Finnigan came in.

10225. Did you and he sit there together, awaiting Mr. Finnigan's arrival?—I stood; Mr. Burnside was sitting.

10226. Do you recollect Mr. Finnigan coming in?—Perfectly.

10227. Did Mr. Burnside continue there when Mr. Finnigan came in?—The whole time, and I left him there.

10228. What occurred between you and Mr. Finnigan in Mr. Burnside's presence; what hour of the day was it?—About 12 o'clock.

10229. What occurred then between you and  
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Mr. Finnigan in Mr. Burnside's presence?—I said I was very much surprised and disappointed; that I had no idea that I was to be taken there to be made a fool of.

10230. To be taken where?—To be taken there to act as a juror. I had gone there as a friend; and I thought he had abused my confidence; he looked very innocent, and answered me that he had nothing to do with it, that Mr. Lillars had called upon him, and had said that really he could not stand this continuous assailing of Mr. Finnigan's character; that it was too bad, and this, that, and the other thing, and, to make a long story short, he would write an article; I beg pardon, that he would insert an article in the paper.

10231. Did Mr. Burnside say anything at all as to who was the author of the article?—No, he was discreetly silent.

10232. Did Mr. Finnigan say as to whether or not he had anything to do with the article himself?—He said to Mr. Lillars that he might do as he pleased; that he was in the hands of his friends and would not interfere, or words tantamount to that.

10233. At what part of the interview did you ask for the Act?—I could not say.

10234. When you did get it, did you point his attention to any section of it?—Yes.

10235. What sections?—I cannot say, I did not look at the Act before coming down; but I did turn up the section. I said to him, "Of course had I the slightest idea that he, Mr. Finnigan, could be guilty of deceiving me, I should never have entered his office." Mr. Finnigan is a man in whom I had the most implicit confidence, but would he be kind enough to explain to me the statement regarding the working of the Ballot Act with this section in question, the number of which I cannot recollect; he read it, and he attempted to explain it, but it was such a miserable failure that I was quite pleased to come away and leave him there. He saw, however, that I was thoroughly dissatisfied, and he said, "Well, if you are not satisfied, I will give you a proof that I think will satisfy you. I shall be glad to appoint you the enumerator at either of the coming elections, and you can satisfy yourself, when you see the thing work, that what I state is true, and that it is quite possible to find that the ballot is not secret." I said, "I shall be much obliged to be appointed to County Antrim;" but I was not appointed. I have no doubt it was because Mr. Finnigan was too busy with other things. In the conversation that occurred when we called, I said that if all this could be done, the work must be done in a most slovenly manner. He said it was a notorious fact that the whole arrangements of the Ballot Act were carried out in a slovenly manner, and that he had sat at some place with a basket of papers between his legs, and he turned them over in it as he pleased; and in another place he had given his word that the voters, some 20 of them, by his orders exhibited the voting papers as they went forward to the box.

Cross-examined by Mr. Moore.

10236. When you went down there to discuss with Mr. Finnigan in reference to this matter, it was to see if it would be possible for him to do this under the Ballot Act, if its provisions were to be violated?—It was as much out of anxious desire to clear Mr. Finnigan's character; I was

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willing to give him credit for anything; he was a gentleman for whom I had the very highest respect.

10237. Did you go down to Mr. Finnigan's office to see what could be done, either by the solemnity with which the Ballot Act could be carried out or by wilful violation, if the Act were wilfully violated?—No; I went down to hear Mr. Finnigan explain how the Ballot Act was not secret, and if so, to set entirely within the lines of the Act of Parliament. We all know that if you choose to be a rogue you can be.

10238. Did you know, as a matter of fact, that all persons in the booth were obliged to make a declaration of secrecy?—Yes, and also Mr. Finnigan said he could defy that.

10239. It would be by violating it; how could he defy the declaration but by violating it?—Perhaps; I did not notice what he said.

10240. Do notice what I say before you answer?—I went there to hear Mr. Finnigan prove to me that he could prove that the Ballot Act was not secret, and that in carrying out his proof he would be within the Act of Parliament.

10241. Could it be done without violating the declaration of secrecy; do you know that the persons going into the booths have to make a declaration of secrecy?—Yes.

10242. And unless persons violated their declarations of secrecy, how persons voted could not be known?—I did not think so until I heard Mr. Finnigan.

10243. Did Mr. Finnigan prove to you that it could be done without violating the declaration of secrecy?—Mr. Finnigan never said he would make it known; he said he could make it known.

10244. You say within the lines of the Ballot Act?—Yes.

10245. How could he make it known within the lines of the Ballot Act without violating the declaration?—

Mr. Justice Barry.] The witness did not say that he could make it known, but ascertain within the lines.

10246. Mr. Baron Fitzgerald.] How could he do it without violating the Act; was that what you understood as being meant?—I understood that he could find out how the parties voted without violating the Act.

10247. Mr. Moore.] And that you say was to be done, because he had the right to insist upon seeing the number upon the back of the ballot paper?—His assurance was reiterated that the agent had the right to see, the right to demand.

10248. Mr. Justice Barry.] He said he had a right to look at the stamp, and in pretending to look at the stamp he could see the number?—Mr. Finnigan said that he had the right to see the back of the paper, to see that it was properly stamped, and then he could have the opportunity of looking at the number.

10249. Mr. Moore.] What was it that he intended to do?—I do not know what his intentions were.

10250. That it would be possible that a person could look at the official mark, and in seeing the official mark he could see the number of the ballot paper?—Mr. Finnigan told me all along that he had no intention of defeating the Ballot Act; we took all that *caveat emptor* said.

10251. Did you read the appendages to the Ballot Act, Section 4?—No.

10252. Did you read Section 24 in the Appendix: "Immediately before a ballot paper is delivered to an elector, it shall be marked on

both sides with the official mark, either stamped or perforated, and the number, name, and description of the elector, as stated in the copy of the register, shall be called out, and the number of each elector shall be marked on the counterfoil, and a mark shall be placed in the register against the number of the elector, to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received; did you ever look at that?—I never read the Ballot Act.

10253. What Mr. Finnigan said to you is this, that a person has the right to insist upon seeing the official mark, and in doing so the number upon the back of it can be seen?—He said that distinctly, over and over again.

10254. Before he commenced to speak about the Ballot Act at all, did not he tell you that there were provisions in the Ballot Act as to the secrecy of the ballot that could not be got rid of, except by a person violating the declaration; you have said as much already?—As far as I understood, I think I said something tantamount to that.

10255. Will you repeat it; did not Mr. Finnigan, before he commenced to show anything of the nature of what he considered could be done at all, point out that the matter to which he was making allusion could only be done by the provisions of the Ballot Act being interfered with?—I think there were some observations very like that we clearly understood; he gave us to understand that the Ballot Act was so framed, that although the public were under the impression that under no circumstances, by no ingenuity, could the name of any voter be found out, yet he could prove, as he afterwards did, that with the facilities that the Act allowed him, and working only with the facilities afforded by the Act, he himself, as agent, would be able at the end of the election to tell how many or how a pretty large proportion of the voters had voted; but of course, Mr. Finnigan said, I had no intention of making it known. Of course we accepted this, and he said that he pointed out this that some person might make use of it.

10256. The facilities that were given by the Ballot Act itself?—Yes.

10257. That is, facilities given to persons who chose to do this thing; and how it was pointed out was, that the number might be looked at when the official mark was pretended to be looked at?—Yes.

10258. Did Finnigan point out what he considered the remedies for it?—One of the remedies which his evidence contradicted yesterday.

10259. Never mind yesterday; he is your friend?—Yes, he knows I am his friend; but I will make the best of my own. Mr. Finnigan stated that the thing might be defeated by not allowing the agent at the voting to be present at the counting; but in the evidence of yesterday he showed that a second party could do the second part. I do not know that there is any other improvement, but I am told there is some wonderful Bill framed.

10260. You have been told there is some wonderful Bill framed; who told you there was some wonderful Bill framed?—Mr. Finnigan.

10261. Did you ever ask as to the particulars of the wonderful Bill that had been framed?—No.

10262. Or ask in reference to it at all?—No; many words did not pass about it.

[The Witness withdrew.]



MR. EDWARD SHIRLEY FINNIGAN, recalled; further Examined by Mr. Moore.

10263. You heard the statement of Mr. Jenkins about 20 people exhibiting their ballot papers?—I did, and I want to explain that to your Lordships. I stated to Mr. Jenkins, and the other gentleman present, in order to show how badly the Act was constructed, what I had seen myself in the county of Derry at one of the polling districts. I stated that in consequence of the construction of the Act of Parliament itself, there was nothing in the Act of Parliament whatever to prevent any person, after leaving the secret department, exhibiting his paper to every person in the booth before he deposited it in the ballot-box; and I said I can give an illustration of that, because in the polling in Maryfield I saw a person deliberately showing his ballot paper to a person in the booth, and I objected to it myself, because I happened to be agent at the time; but I was over-ruled by a very intelligent gentleman who was present.

10264. How over-ruled?—I objected to this person exhibiting the ballot-paper, and this man read out an introduction in a small yellow book by Mr. Huddleston, in which that gentleman showed from the Act that there was nothing to prevent you showing the ballot paper from the time of leaving the secret department until it was deposited in the box.

10265. Was that an allusion to the officer putting a stamp upon it?—You are aware that the ballot paper must be stamped upon the face of the book. At the county of Derry election a long argument took place as to the stamping, and it occupied fully two hours, counsel on both sides arguing the point. On one side of the ballot paper there was a stamp, and upon the other side no stamp. The Conservative agent objected to the ballot papers, some being stamped and some being unstamped, and that the ones unstamped upon the back should be rejected. We had, therefore, to find out the ballot papers which were stamped and which were not stamped, and in doing that it was impossible for any person not to see the numbers on the back of the papers.

10266. Mr. Justice Barry.] I believe that no person has a right to ascertain whether the stamp is on it or not, except the returning officer; he is bound to have a mark on the front and a mark on the back, and he must see before the ballot paper is put in the box that the special mark is

on the back?—In practice in the county of Derry election that was done.

10267. Mr. Moore.] Immediately before the ballot paper is delivered to the elector, it must be marked on both sides with the official mark, either stamped or perforated, and before the ballot paper can be allowed into the box, the official mark must be shown. (To the Witness.) Did you ever say to Mr. Jenkins that the agent had a perfect right to look at the ballot paper, to see whether the official mark was upon it or not?—No. All I say is, that the person could not be prevented from seeing it if he wished to see it. There is also one other observation which Mr. Jenkins made, and he must be labouring under a mistake. He said that I gave some contradictory evidence yesterday with reference to a person in the booth getting the numbers, that it was necessary that that person should be present at the counting. I think he must be labouring under a misapprehension; what I pointed out was this, to prevent the secrecy being violated, the agents should be kept away from the box altogether. Since I have been thinking over the matter, I have thought of another plan, which would be gumming down the corners; but, after all the most effective means would be keeping the agents away from the box altogether.

10268. As a matter of practice, it is not done?—As a matter of practice, it is not done.

10269. There was something said about 20 people showing their papers; that you said so?—I never said those words; I never used the words.

10270. Did you ever order anybody to exhibit their ballot papers?—Never in my life.

10271. Did you ever say that?—In the sense I attended the Derry election, I was not a personation agent at Antrim or Down elections, because I was conducting agent.

10272. Did you ever say that you had a basket of papers and turned them over?—No. To show the gentlemen present at that time the absurdity of the procedure under the Ballot Act, I said that in the county of Derry election the ballot papers had to be put into a great clothes basket, and any person could go to where the basket was and put some into his pocket and carry it away; and I mentioned the fact that when I was sitting on a chair this basket of papers would be close to my knees or between my legs.

[The Witness withdrew.]

JAMES MULLIGAN, sworn; Examined by Mr. Porter.

10273. Do you know the man called Redpath, who was examined yesterday?—Yes.

10274. And John McClements?—Yes.

10275. Did you hear Redpath swear that you had an interview in the streets of Banbridge with John McClements and another man, and counting five, six, and seven, and that you paid McClements 6s. 7d.?—6s., he said.

10276. Did anything of the kind occur?—Never.

10277. Did you see McClements at all at the time of the election?—I do not know. I may have.

260—Sess. 2.

10278. Had you any conversation with him in the street at all?—I do not remember a single transaction with him.

10279. Did you pay him 5s., 6s., or 7s.?—There was never a transaction between us in any shape or form.

10280. Or any person with him or in his company?—No; I do not remember seeing him during the day.

10281. Had you any transaction with him in any matter connected with the election?—Not at all.

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25 June  
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J. Mulligan.  
25 June  
1880.

Cross-examined by Mr. Madden.

10282. You were agent for Major Crawford?—Yes.

10283. In what capacity?—Personation agent.  
10284. Do you remember having come out of the polling place and seeing some people asking money for drink?—No.

10285. Did you take any silver out of your pocket?—No.

10286. Did you give any money?—I may qualify the statement by saying, that in the evening, after the polling was over, I paid the party that had charge of the committee rooms 10 s.; this was inside the committee rooms. And another messenger I assisted with 7 s. 6 d., as he was going to Belfast that evening to get a situation.

10287. Mr. Murphy.] This was inside the committee rooms?—Yes. I would not have paid the 10 s. that evening, but the 7 s. 6 d. man was going away, and the other, when he saw this money given, got him.

10288. Mr. Madden.] What was the 10 s. for?—The remainder of his wages for attending in the committee rooms every day.

10289. Was he a voter?—No, he was not.

10290. What was the 7 s. 6 d. for?—For carrying parcels.

10291. To whom did you give it?—Hopkins.

10292. Was he a voter?—He was not.

10293. Now produce to me the receipt for the 10 s. you paid to the man for coming from Belfast?—I have not it. I offered yesterday in court—

10294. You were not sworn yesterday; what is the form of the receipt?—I do not know, but I said I would bring you everything I had, if you paid my expenses.

10295. What did you do with the receipt when you got it?—Put it up upon the wall of the office with a pin in it; it is a wooden wall; it has hung there many a day.

10296. Is that the way you keep your files?—I did not get a receipt from the beginning of the election to the end of it except itself.

10297. Do you know the man to whom the money was paid by you?—I do, very well; that is, McBride.

10298. Is he the porter that travelled first class?—I do not know what he is, nor did not know.

10299. You knew he was a voter?—I did, because I know he is a neighbour.

10300. And you promised to pay his expenses?—Yes.

10301. If he would come and vote?—If he would come and vote. I beg pardon, I did not; it was the day of the election he asked me if I would pay his expenses; I said it would be all right.

10302. On the polling day you said that?—Yes.

10303. To him?—Yes.

10304. Where?—On the way to the court house somewhere between the court house and the passage on to the public street.

10305. Did you ask him to vote for Crawford?—I never asked him anything of the kind.

10306. Did you not know that he had been before canvassed?—What do you mean by "before?"

10307. Before the polling day?—I did not.

10308. Did not you know it was agreed to pay his expenses?—It was not, and I will tell you why; there was a gentleman standing present who

heard the whole conversation, and at the time he had no funds, the whole Banbridge district—

10309. Never mind the whole Banbridge district?—There was not money in the funds, there was a gentleman I telegraphed for, and did not speak to him since he heard the whole conversation. I told him, if his expenses were not paid by the committee, I would pay them myself.

10310. You told McBride that?—Yes.

10311. He applied in the street for his travelling expenses?—Yes, and if they would not pay it I would pay it.

10312. And you did pay it yourself?—Yes.

10313. And got a receipt?—Yes.

10314. Did you give the receipt to the committee instead of putting it upon the wall?—I did not; it hung upon the wall for many days with a pin in it.

10315. Was that the only receipt upon the wall?—Yes; I paid for a few cars, and I never asked a receipt.

10316. Did anybody tell you that you had better destroy the receipt?—Never; it may be there yet, and I think I could get it.

10317. It ought to be framed and glazed?—You can frame it, if you please; if it is at home, I will send it to you.

10318. To whom did you give the money?—I gave the money to David Battle, one of the men in the place.

10319. And desired him to do what?—I was asking for McBride's address, and he said he would be up on Sunday, and he would take it to him, and instead of taking it to him, he gave it to Mr. Gale, the book-keeper, and he left it there.

10320. It was your book-keeper gave him the money?—Yes.

10321. And it was your money?—I believe it was. These people were all subpoenaed here, and that is the whole thing.

10322. How near the polling place were you and he that day when he applied for his expenses?—I suppose half way between the court house and the public street; it might be five or six paces.

10323. And you knew he was going to vote?—I did not know but that he had voted.

10324. What did he say to you?—He asked me who would pay his expenses; I think he seemed very anxious, for we had the credit of having very little money.

10325. The discredit?—The discredit; I thought it a credit upon that occasion.

10326. What did he precisely say to you about his expenses?—He said, "Will you pay my expenses from Belfast?" It will be all right, McBride.

10327. Did not you know he was going to vote then?—I did not.

10328. You knew he was going to vote or had voted?—I believed he either had or would; I did not think he would come from Belfast without voting. In 1878 we believed he voted for Crawford.

10329. What is a first-class return ticket from Belfast to that place; is it not 4 s. 2 d.?—Four shillings and two-pence, but I did not know it till I went to the railway station, because I did not think 10 s. would pay first-class expenses; he told me he came first class, and that William Leggitt came along with him. I did not till I went to the railway station to know whether 10 s. would cover two single first-class tickets.

10330. How

10330. How often have you travelled from Belfast to that place?—Twice or three times a year.

10331. You travelled first class?—Never in my life.

10332. Second?—Yes, and it was only second when I could not get in third.

10333. You know now that 4s. 2d. is a first-class return ticket?—Yes, I went to see; and not till after the whole thing of this petition was turned up, and Mr. Gill had come round to tell me to go down and admit this, and I did not know what I had to admit till I went down there.

10334. Was Leggatt a voter?—I believe he was on this year.

10335. When will you send me the receipt?—I will send it, if it is there, this evening.

*J. Mallison,*  
25 June  
1880.

Re-examined by Mr. Porter.

10336. As a matter of fact, did you get the 10s. paid to you?—I did not, but I expect I will; we have it to collect yet, and I have part of it to pay myself.

10337. Subscription?—Subscription.

10338. Mr. *Madden*.] You voted upon that occasion?—I did.

The Witness withdrew.]

Adjourned to To-morrow, at 11 o'clock.

*Ninth Day.—Saturday, 26th June 1880.*

Mr. *Moor* was heard to sum up the evidence on behalf of the sitting Member.

Mr. *Porter* was heard to address the Court in reply.

[Adjourned to Monday next, at Eleven o'clock.